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1	Pat Orsaia		1 Pat Orsaia
1234:2296 2	Ms. Magone had asked?	01:01:24554	2 with respect to what other responsibilities
12:00:24PM 3	A. No, I did not inquire.	01,912179,1	3 Ms. Newmark had in her position as social worker?
<sub>2'</sub> 4	Q. Apart from this issue concerning a	District Park	4 A. I have a general understanding of
s. <b>5</b>	length-of-stay meeting, which was attended by	Diotoiriá	5 what the job is of a social worker at Lawrence
12:56:34PN 6	Ms. Magone and Ms. Newmark, did Ms. Magone say	01:61:40MM	6 Hospital Center. I do not have the specifics of
1550 GPM 7	anything else with reference to performance?		7 caseload or what their length-of-stay
**************************************	A. Yes. She told me that there had	Dispressma	8 requirements are or that is really the
17.64.51PH 9	been concerns brought by case managers, who were	2101-17PM	9 leader's responsibility to monitor.
12:50:00Fü 10	part of the same team as Ms. Newmark, regarding	Otosiania 1	_
17 (Table 1889)	Ms. Newmark's handling of particular patient	pust says. 1	
12,862(E)M 12	circumstances. One involved a patient leaving	вынами 1	_
12:50.12/0 13	the hospital without the appropriate clothing.	67:02:01FM 1	•
12,94,20mi 14	And there were concerns about — concerns stated	orazaina 1	
15 mm	by other members of the team directly to Cathy,	bi screen 1	
12302NPM 16	regarding Ms. Newmark's lack of appropriate	i distribute 1	_
12:58:33PW 17	responsiveness.	втогжен 1	
1259 35PM 18	Q. Do you know how many cases	91=20PM 1	
125, <i>177</i> 4 19	Ms. Newmark was responsible for?	31;12:24PM 1	
1259-4PV 20	A. The only information I have about	атажатен 2	
1200(46FM 21	the number of cases she was responsible for, was	· · · · · · 2	
22 MARIN	I believe as I recall, when Ms. Magone was	11:00:00 Z	
23	talking to me about her concern about her	эприме 2	_
11:00:05FM 24	concern about the discussion at the length-of-	11 12 10 1 2 1	·
1.00 mm 25	stay meeting, I recall that Cathy Magone used the	or or or or	- The first open and mitacin
	COMPU-TRAN SHORTHAND REPORTING	Avertaine des	COMPU-TRAN SHORTHAND REPORTING
- —	106	<del>                                     </del>	
1	Pat Orsaia	,	108   Pat Orsala
11,00100M <b>2</b>	number, four cases, when she said to me that	proping 2	2 social worker were at Lawrence?
n.so.zma 3	and I believe she said it in the regard of, you	51:01:00Pm	•
1892 SPM 4	know, Ms. Newmark only has four cases, or	01403.11PM	
пожень 5	something like that, which, to Ms. Magone,	01:00-15PM \$	
1.50.00mm 6	emphasized the fact that she ought to know who	estation (	
1:00:300M <b>7</b>	those people are. Ms. Newmark should have known	озозівні 7	
1.00×29N 8	who those people are and be actively engaged and	8 weeken	
100 mm 9	be able to give details as to the progress of	mailer S	
1002-1804 10	those patients.	eranaeu 10	•
11 mosern	MS. NICAJ: Move to strike	пожен 11	•
	the nonresponsive	01:03:40% 12	
13 tarasses	MR. KEIL: Object to the	01:00:409M 12	that it is the state of the sta
	motion.	ышын 14	
15 pp. says	Q. How many cases, to your knowledge,	<sub>வகதை</sub> 15	The state of the s
	did Ms. Newmark have at the time you and	16 marine 16	
<b>राळ≫</b> 17	Ms. Magone discussed termination after September	PT-01:22PW 17	Same benness one to the filler of
91 Mary 18	28th?	010122PM 17	that time, she had become aware that Ms. Newmark
arreare 19	MR. KEIL: Just to clarify,	010177PM 10	
20	what was the plaintiff's caseload during	01,01.00% 20	some communication from I believe it was from
minum 21	that period,	101,004.00% ZU	an RN, who was also assigned to the mental-health
22		11:04:50m Z1	project that Ms. Newmark was responsible for.
23 المساو	• - ···· I	moising 23	Ms. Magone expressed that as a concern, because
on:1784 24			she had been prompting Ms. Newmark to say, what
		01:05:00m 24	progress have you made on this project, and was
	- THE STANDARD WILLS YOU RUDWING	/h	
	COMPU-TRAN SHORTHAND REPORTING	01:15:57PM &D	disappointed that there was no progress that  COMPU-TRAN SHORTHAND REPORTING

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1			111
Sickowine 2	_	1 1	· · · · · · · · · · · · · · · · · · ·
61:05.12PM 3		тылары 2	, and the same of
n 4	A. The mental-health project that	arormen 3	part in a series assemble of the mayone's part
n 5		0107:00M 4	and are a sound make peen some progress on the
отправни 6		o.or≴pu <b>⊃</b>	project by Ms. Newmark at that point.
изва <b>ци</b> 7	that project? Did Ms. Magone tell you?	01-023-4094 G	And and the that site left if Mas
in. 18		DIOTSEM /	reasonable; that she had been assigned to the
отказам 9	believe there was a training that Ms. Newmark and	91;01:00PM <b>9</b>	project for several weeks with no progress to
01:25:54PM 10	one of the registered nurses attended. I don't	ரணன்ன 10	
D1.0637ML 11	know the exact date of it.	''	White was are projects what did filet
iissaeu 12	Q. Did you seek to ascertain when that	отордеры 11 еплеттум 12	,, ,, ,,,,
ызкана <b>13</b>	training was held?		
p1:05:HPM 14	A. I recall asking Ms. Magone if enough	sensim 13	The year ask about that, what the
messeu 15	time had elapsed from the time that Ms. Newmark	офия 14 6 г	K
атакам 16	was assigned to the mental-health project, to the	15 de	The copie of
покры 17	time we were speaking, that she would have	01202094 16	Jest inc 2 mich the ballange
DI 00 500 M	expected some progress to be documented.	0190/22NJ 17	care project was on the topic of palliative care.
2100 RPM 19	And she said, yes, it had been I	оцияля 18	Q. Did you seek to determine what
910011PW 20	don't recall exactly what she said, but it had	a) 00.00mm 19	exactly the project encompassed?
61-08:14PM 21	been at least several weeks.	19.00a.new 20	A. No. That would have been her
ojsesesi 22	Q. What does "enough time" mean? What	ляны 21 20	leader's responsibility to determine.
01.08.29PM 23	do you mean by "enough time"?	22 ptossies 22	MS. NICAJ: I'll move to
***** 24		0100000 23	strike as nonresponsive.
01#20PM 25	MR. KEIL: Objection as to	01.00E40PM 24	Q. Did you ask Ms. Magone what that
DISEASON AND	form. Rephrase.  COMPU-TRAN SHORTHAND REPORTING	91,0EAINE 25	project encompassed, apart from knowing it was
		<del> </del>	COMPU-TRAN SHORTHAND REPORTING
1	110 Pat Orsaia		112
отперами 2	Q. You recalled asking her if there was	1 1	Pat Orsaia
отразлен 3	enough time? She recalled you asking her if	D#### ∠	about mental health?
6100 spry 4	there was enough time; right?	01.00c47FFFF - 3	A. No.
01:00:01Tin 5	A. To your earlier question, I didn't	01:00:48PM 4	Q. Any other concerns that Ms. Magone
01.00gspm 6	ask her the date of Ms. Newmark's assignment to		raised to you?
0136 MPM 7	the mental-health project. But when Cathy Magone		A. Ms. Magone said that she felt that
91:25174 8	told me she continued to be very concerned that		Carole had not adjusted or maybe wasn't suited
ormson 9	there was no progress on Ms. Newmark's part to	outsiden 8	to the case-management model that was used at
-означани 10	date with the project and then Cathy had	01.00.00PM 3	Lawrence Hospital Center, that we had a
anaionem 11	brought it up again because something had	5100K36PM 11	discussion about Carole's having come from a very
01:07:03PH 12	happened much closer to my conversation with	01:01:20PM 12	different work environment. Just prior to working
maraneu 13	Cathy Magone, where Cathy was telling me that she	12 Utovers 13	at Lawrence, she had been, I believe, in an
01:07:11 <b>m</b> 14	had found out not from Ms. Newmark, but from	01:08:40PM 14	outpatient behavioral-health or mental-health
оция 15	some other source that there had been some	01:08:4994 14 01:28:5394 15	setting. And Cathy and I talked about the
отаканы. 16	communication between, my understanding is,	21 24 24 24 1 1 3	differences between the daily work
D1:07:209M 17	another nurse who had attended the initial	osossou 17	responsibilities in that setting, versus an
18 mars	training, was assigned to the project with	on 10 mm 18	Inpatient, acute-care setting, as it relates to
01,002,00m 19	Ms. Newmark, there had been some communication,	10 armedies 19	the goals of the department length-of-stay
отатем 20	and Ms. Newmark had not made Ms. Magone aware of	#1.1000FBM 7.5	requirements, the insurance consideration for
олизичи 21	that.	01:10:10:14 ZU	someone's discharge plan, et cetera.
. ?2	And my comment to her was it was	01:16:194 27 01:16:194 22	We talked about some business
01.075mm 23	my way of asking, well, how long has she been	mmanu 22	criteria for success in the role of social work.
0107-0Pm 24	assigned to this project.		And Cathy told me that she really did not feel
PT 074194 25	Basically, when I said "enough	ринодам <b>24</b>	that Carole had demonstrated that she was either
	COMPU-TRAN SHORTHAND REPORTING	S1:10:17PM 25	willing to, or capable of being successful, given  COMPU-TRAN SHORTHAND REPORTING
			COMPUTE AND DELICATE SERVICE

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	1 Pat Orsaia		1 Pat Orsain
61:10:57PM	2 our model of work.		i at Orsaia
01/10 <b>58Pi</b>	3 Q. Did you seek to ascertain what	01-13:31PM	2 rehired at Lawrence; isn't that right?
.07	4 Ms. Newmark's employment performance was prior,	D1(13:35PM	A. Yes.  4 Q. Had she been terminated for any
<b>=1</b>	5 in her prior employment at Lawrence?	B1:12:30kiju	and a service and any
Dr. 11, š <u>20ši</u>	6 A. Did I, personally?		- And the media not that a pech suidible to the
: Pr. 11129PM	7 Q. Yes.		- · · · · · · · · · · · · · · · · · · ·
**	8 A. No.		
91:11:14PM	9 Q. Is it fair to say that if	01:14 03 Ma 4	8 Q. Why isn't that necessarily correct?
DOS-1204 1	*		- An event meta codin pa a situatiou
21.112279 1	_	annum 10	a particular position
m:11289m 1		0.1:14:1189a 11	Period
01 13290u 1	_	ondon 12	and the same of the same of the by
91:150pm 1	·	отизаны 13	and their sometime
pratrauma 1		DURAN 14	
ентазвы 1		0.445m 15	and the contract of the contra
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0.11389u 1	·	01.00 17	the same between coming of Letting 60.
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отпини <b>2</b>		янаям 19	and the say for certain it it has
opticases 2			1 met nebbeneer 1 m shearing more
01 12 cm 2	_	ыным 21 ээн ээ	the removability of what the felling practice
D31783PM 25	_	DUE 1774 22	
01/120gPy <b>2</b> 4		опини 23	an obing back to your communication
01:12:05 PM 24	· · · · · · · · · · · · · · · · · · ·	at-15316W 24	the this time tolowing
	COMPU-TRAN SHORTHAND REPORTING	101 1E3594 25	and most meeting on deptentiber 20th, with
	114	<del>  -</del>	COMPU-TRAN SHORTHAND REPORTING
1		1	116
D):12:17PU 2	that employée left the hospital, that employee	ртавалем 2	Pat Orsala
ar cerema	could later be rehired?	осничен 3	tion riogania, what else, it
от-та:тиму 4	A. In a different capacity, yes. There	911911PM 4	
61.12:13AM 5		or 181594 5	The true and the true
01:1221PM 6	Q. Has that happened at Lawrence?	0111.1594	preparing the performance-evaluation
61:12:00u 7	A LIGS CHOC DODDEDED OF FAMISHOODS	l 6	documentation that we state at the state of
		011411111 G	documentation that would be delivered to
D1:12:38PM 8	A. I can't recall a particular case,	от 1822Рм 7	Ms. Newmark during the separation discussion.
оназдары <b>9</b>	A. I can't recall a particular case, but when we looked — at Lawrence when we look at	от 1822PM 7	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her
	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I	от візверы 7 от верена 8 от верена 9	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?
опиция 9	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would	от віздерм 7 отпедерня 8 отпедерня 9 отпедерня 10	Ms. Newmark during the separation discussion. Q. Anything else that was said by her that you can recal!? A. Not that I recall at this time.
оппадары 9 оппадары 10	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the	01.18/25PM 7 01/18/20PM 8 01:18/20PM 9 01:36/20PM 10 IF: 26/25PM 11	Ms. Newmark during the separation discussion. Q. Anything else that was said by her that you can recall? A. Not that I recall at this time. Q. What, if anything, as you sit here
оппанары 9 оппанары 10 оппанары 11	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if	от. (222PM 7 оттиротты 8 оттиротты 9 оттиротты 10 ит. гразоры 11 оттиротты 12	Ms. Newmark during the separation discussion. Q. Anything else that was said by her that you can recal? A. Not that I recall at this time. Q. What, if anything, as you sit here today you said "at this time."
опалия 9 опалия 10 опалия 11 опалия 12 опалия 12	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in —	01.1822PM 7 01.1822PM 8 01.1824PM 9 01.3828PM 10 11.1828PM 11 01.1828PM 12 01.1828PM 13	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today you said "at this time."  Are there any documents you can use
91/12/07/0 9 01/12/07/0 10 01/12/07/0 11 01/12/07/0 13	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one	01.1522PM 7 01.1522PM 8 01.1524PM 9 01.1623PM 10 11.2625PM 11 01.1625PM 12 01.1625PM 13	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?
9112,45PM 10 0112,45PM 10 0132,45PM 11 81,12,51PM 12 91,12,55PM 13 011,2,55PM 14	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job.	01.1822PM 7 01.1822PM 8 01.1824PM 9 01.3828PM 10 11.1828PM 11 01.1828PM 12 01.1828PM 13	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.
9112-35PM 9 0152-48PM 10 0532-48PM 11 81-12-58PM 12 91-12-58PM 13 04/14-08PM 14 01-12-58PM 15	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more	01.1822PM 7 01.1822PM 8 01.1824PM 9 01.943PM 10 01.1434PM 11 01.1434PM 13 01.1434PM 14 15 01.1124PM 14	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that
9112-05PM 10 0152-05PM 11 0152-05PM 12 0152-05PM 12 0152-05PM 13 0152-05PM 15 0155-05PM 15	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more education; they get a different certification.	01.1622PM 7 01.1622PM 8 01.1624PM 9 01.1622PM 10 11.1623PM 11 01.1623PM 13 01.1623PM 14 15 01.1721PM 16	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?
901249PM 9 015249PM 10 053249PM 11 053251PM 12 053251PM 13 053251PM 13 053251PM 15 053251PM 15 053251PM 15 053251PM 15 053251PM 15 053251PM 15	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more	01.1822PM 7 01.1822PM 8 01.1824PM 9 01.943PM 10 01.1434PM 11 01.1434PM 13 01.1434PM 14 15 01.1124PM 14	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?  A. No.
901243594 9 01524894 11 05324894 12 01123894 13 01123894 15 01123894 15 01123894 15 01123894 15	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more education; they get a different certification. They come back with different credentials than	01.162394 7 01.162394 8 01.162494 9 01.162394 10 01.162394 11 01.162394 12 01.162394 15 01.162394 16 01.162394 17 18	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?  A. No.  Q. What, if anything, did you say to
90124994 10 01724994 11 01725194 12 9172594 13 0172594 15 0172594 15 0172594 17 0172594 17 0172594 18 0773194 18	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more education; they get a different certification. They come back with different credentials than they had the first time.	01.1822PM 7 01.1822PM 8 01.1824PM 9 01.1824PM 10 11.1824PM 11 01.1824PM 13 01.1824PM 13 01.1824PM 14 15 01.1124PM 15	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?  A. No.  Q. What, if anything, did you say to  Ms. Magone?
90124994 10 01724994 11 01725194 12 9172594 13 0172594 15 0172594 15 0172594 17 0172594 17 0172594 18 0773194 18	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more education; they get a different certification. They come back with different credentials than they had the first time.  Q. To your knowledge, Ms. Newmark	01.1822294 7 01.1822294 8 01.1824294 10 12.282294 11 01.282294 12 01.1822294 14 15 01.1222294 15 01.1222294 17 01.1222294 20 01.1222294 20 01.1222294 21	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?  A. No.  Q. What, if anything, did you say to  Ms. Magone?  A. As I have already stated, we talked
90124394 9 01524394 10 1123594 12 1123594 13 0152594 15 0150694 16 9152594 18 0152594 19 0152594 19 0152594 19 0152594 19 0152594 20 0152594 20	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more education; they get a different certification. They come back with different credentials than they had the first time.  Q. To your knowledge, Ms. Newmark voluntarily left her employment at Lawrence when	01.162594 7 01.162594 8 01.162694 9 01.162594 10 01.162594 11 01.162594 13 01.162594 14 15 01.162694 16 01.162694 17 18 01.162194 19 01.162194 20	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?  A. No.  Q. What, if anything, did you say to  Ms. Magone?  A. As I have already stated, we talked about the details of the performance concerns.
9112,4994 10 10124494 11 1012494 12 1112494 13 0012604 15 00126064 15 00126064 17 00126064 18 00126064 18 00126064 19 00126064 20 00126064 20	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more education; they get a different certification. They come back with different credentials than they had the first time.  Q. To your knowledge, Ms. Newmark voluntarily left her employment at Lawrence when she was previously employed there the first time;	01.16229w 7 01.16229w 8 01.16249w 10 01.16239w 11 01.16239w 11 01.16239w 13 01.16239w 14 15 01.17239w 17 18 101.17239w 19 01.17229w 20 01.17229w 21 01.17229w 22	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?  A. No.  Q. What, if anything, did you say to  Ms. Magone?  A. As I have already stated, we talked about the details of the performance concerns.  Q. What did you say? Not what you both
9112,45PM 9 0172,45PM 10 0172,45PM 11 0172,51PM 12 91,72,55PM 15 0172,55PM 15 0172,55PM 17 0172,55PM 17 0172,55PM 17 0172,55PM 18 0173,55PM 19 0172,55PM 20 0172,57PM 23	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more education; they get a different certification. They come back with different credentials than they had the first time.  Q. To your knowledge, Ms. Newmark voluntarily left her employment at Lawrence when she was previously employed there the first time; isn't that right?	01.182294 7 01.182294 8 01.182494 9 01.182394 10 01.182394 11 01.182394 12 01.182394 14 15 01.182394 16 01.182394 19 01.182394 20 01.182394 21 01.182394 22	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?  A. No.  Q. What, if anything, did you say to  Ms. Magone?  A. As I have already stated, we talked about the details of the performance concerns.  Q. What did you say? Not what you both said. What did you say, specifically, in words
901240FM 10 015240FM 11 01525FM 12 01525FM 13 00525FM 15 00525FM 15 00525FM 15 00525FM 15 00525FM 17 00525FM 20 00525FM 20 00525FM 21 02 00525FM 21 02 00525FM 23	A. I can't recall a particular case, but when we looked — at Lawrence when we look at someone's eligibility for rehire, which is, I think, what we're talking about here, we would look not only at their performance in the previous role, but we would look at, you know, if it was the same role they were coming in — sometimes people are not the right fit in one job, and they are the right fit in another job. Sometimes people leave for a time; they get more education; they get a different certification. They come back with different credentials than they had the first time.  Q. To your knowledge, Ms. Newmark voluntarily left her employment at Lawrence when she was previously employed there the first time; isn't that right?  A. To the best of my knowledge, yes. Q. Therefore, she was eligible to be COMPU-TRAN SHORTHAND REPORTING	01.182294 7 01.182294 9 01.382494 10 11.382594 11 01.182694 12 01.182694 13 01.182694 16 01.182694 19 01.182694 20 01.182694 21 01.182694 22 01.182694 22 01.182694 22 01.182694 23	Ms. Newmark during the separation discussion.  Q. Anything else that was said by her that you can recall?  A. Not that I recall at this time.  Q. What, if anything, as you sit here today — you said "at this time."  Are there any documents you can use to refresh your recollection?  A. No.  Q. Did you reduce anything that  Ms. Magone told you during this time, in writing?  A. No.  Q. What, if anything, did you say to  Ms. Magone?  A. As I have already stated, we talked about the details of the performance concerns.  Q. What did you say? Not what you both

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•		1	119
91 17.37 <b>794</b>	-	1	, at 610010
61:17:26Pm	specific dates for the attendance, the unplanned	01:22:07PM 2	
oue 4	absences. And she did,		the the size one was being
a, 5		01:22:129u <b>4</b>	separated from employment, had nothing to do with
91-17- <b>ii</b> mi <b>6</b>	performance concerns. And she did.	ءَ ا	the world young.
01;12:00mu <b>7</b>	I asked some clarifying questions		This Elde is based on what Cathy
01:17:50°W 8	during our discussion of the performance	\$1.22:17PU /	Magone told you; isn't that right - that it had nothing to do with that?
от:::7 <b>58</b> РМ	concerns.	01:32:59PM	
отправну 10	I stated to Cathy that, as Ms.	0122204 10	
พ:หล่อ 11	Newmark was in her probationary period, as per	0122204 10	the specific detail that the manager gave me regarding her reasons for separating employment.
greense 12	our policy, either Ms. Newmark or Lawrence	D12229Pag 12	
and the 13	Hospital Center could decide to separate	D1.32.000 13	4. Who is the manager again:
<sub>повлен</sub> 14		612230FN 14	
рэнэ <b>ж</b> 15	I asked Cathy, what would be a	mana 15	
andelselse 16	convenient time to schedule Ms. Newmark's	16 marin 16	A. She complained about an alleged
энимы 17	separation discussion. I asked her about	0122.404 17	comment from Cathy Magone.
ormani 18	Ms. Newmark's work schedule for that day, as we	0122:4879x 18	Q. So, you're saying, with respect to
o117922579 19	thought it would be best to, if possible,	M22414 19	Magone, these are not allegations; but with
	schedule the separation discussion toward the end	DEZZEMBA 20	respect to Ms. Newmark's alleged comment
очилири: <b>21</b>	of her shift.	912251PM 21	A. I'm not sure what you mean.
1120 Jan 22	I asked Ms. Magone if she had had	1102 SEPA 22	Q. When you characterize what
0120209м 23	any response from Ms. Newmark, to Ms. Magone's	PIZZEPA 23	Ms. Magone tells you, it's a statement of fact.
.∘. жен 24	e-mail to Ms. Newmark, which, again, addressed	512358PM 24	When you characterize what Ms. Newmark related to
01-2035FG 25	Ms. Magone's intent and use of the word "young."	DEZESSOR 25	you what Ms. Magone told her, you use the word
	COMPU-TRAN SHORTHAND REPORTING		COMPU-TRAN SHORTHAND REPORTING
	118	†	120
1	Pat Orsaia	1	Pat Orsaia
<sub>01308</sub> ну <b>2</b>	That's all I recall.	пален 2	"alleged."
#1265FF# <b>3</b>	Q. Why did ask you her if there was a	01;20 <del>2000</del> 3	Why is there a difference?
01205iệu <b>4</b>	response?	d1/23;04PM 4	A. The information that was provided to
m2110714 <b>5</b>	A. Ms. Magone had copied me on the	01:23:4fm 5	me by Cathy Magone as to the rationale behind
1121,0014 6	e-mail she sent to Ms. Newmark, offering her	D1:20:189M 6	Ms. Newmark not successfully completing her
P1.21 1/RM 7	clarification, and I was curious to know if or	01:23:18F93 7	probation, was documented information. That is
destrución 8	how Carole had responded to the e-mail.	#127,22Fm 8	why I asked Ms. Magone for the dates of unplanned
#13134FM 9	Q. Why?	отёгалены 9	absence, which she took right off her time sheets
DI2127FM 10	<ul> <li>A. Because it was an ongoing dialogue</li> </ul>	01-225,000M 10	and showed me, and the information about the
03222FW 11	that had happened. And again, you know, at this	612320PM 11	complaint about Ms. Newmark's performance, the
012131RM 12	point, I'm still trying to facilitate a	этяхэнч 12	lack of progress on the project, et cetera.
м <i>эн</i> цец <b>13</b>	resolution of this employee's concern with her	отацання 13	Q. What was documented? What did you
14	manager,	14 otazakia	see that was documented?
.0)2).WW 15	Q. At that time, you knew she was being	.01234gru 15	A. Ms. Magone had notes of the
01211RPM 16	fired, though; right?	D122/68PN 16	complaints from the other case managers that she
ossiusiu 17	A. Right.	, <sub>922,000</sub> , 17	shared with me.
91.2145W 18	Q. So, what do you mean by facilitate a	012252PM 18	Q. She had notes?
0121:09m 19 9121:09m 20	concern that she had with her manager when she	19 межер	A. Yes.
	was being fired?	.#125 <del>2554</del> 20	Q. Did you see any documents or
insismi 41 • 22	A. What do you mean, what do I mean by	012556Ры: 21	complaints from those case managers?
22	it? Exactly what I said. It's still In my	0120 <i>5378</i> 4 22	A. Yes. I believe there were one or
0121300 Z3 pr.22300 Z4	role as HR manager, I'm hoping they will be able to reconcile that point.	012400FM 23	two, at least, that were actually maybe e-mails
m2200 24 m2200 25		D1 24 (03PM 24	to Cathy Magone, expressing concern over
01 <b>2250∰ Æ</b> Ū	Q. Even though she is being fired, COMPU-TRAN SHORTHAND REPORTING	012400mm 25	Ms. Newmark's lack of responsiveness.
	IN MERICAL FAMILY CHANCE DEPORTATION		COMPU-TRAN SHORTHAND REPORTING

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	<u>.</u>	ŀ	123
Dizanteria a	Q. Well, did anyone seek to inquire of		1 Pat Orsaia
D13433PM	3 Ms. Newmark's position on those points?		2 Ms. Magone. She went through it, although
812° 4 Z	_		3 briefly, with Ms. Newmark.
	_	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	4 Cathy advised Ms. Newmark that she
01:24:19PM		012)38PM	5 had not successfully completed her probation and
812420Pu 7	A. Not that I know of,	1	6 that we were separating employment.
- 072421PM - 6			7 And to the best of my recall at that
012434FW S			8 point, Carole was not interested in going through
012c3300 10	A. I asked Ms. Magone if she had	.ما	9 the document or, you know, reading through it, or
9124389v 11		01479284 1C	· · · · · · · · · · · · · · · · · · ·
		1°	and any source did carole walled
отосеры 13		01279094 12	
natura 14		912750% 13	
name 15		912758PU 14	- The state of the
10	· · · · · · · · · · · · · · · · · · ·	15 marsama 15	- ·•
01.28.20m.i 17	at any other time, apart from what you have	отамия 16 4 -	
naa⊷ 18		0128:1990 17	- 1
nasion 19		рі <i>з</i> азіт 18	There are said, I
10 transment 20	discussion, I believe I contacted Cathy to be	n:2i279ii 19	and a manual action and action subjudyment."
1 name 21	sure that Carole was actually at work that day	очиные 20	- over at east bount the
01253000 22		прыям 21	- Least at any sure and a section of tresiditation!
PISSEN 23	and our meeting was still planned for the same time.	ознам 22	to the state of th
012953PM 24	_	11.23 WH 23	and a subject to the same of t
1725 APRIL 25	the second secon	ы <u>же</u> ры 24	by the state of the pit file
atabasia CG	Ms. Newmark about the meeting? Was it you, or	∞ 25	and a second of emblodifield of
	COMPU-TRAN SHORTHAND REPORTING	<del> -</del>	COMPU-TRAN SHORTHAND REPORTING
1	122 Pat Orsaia	1 .	124
ntaranu 2	Ms. Magone, or someone else?	1	Pat Orsaia
01:30 MPH 3	A. It was not me.	OLILIFIAN 2	· · · · · · · · · · · · · · · · · · ·
012849Pi 4		Przejemu 3	- bounded out to their diary stippin
marrie 5	<ul><li>Q. Where did the meeting take place?</li><li>A. In my office.</li></ul>	0129:00PH 4	she decide to resign, that Lawrence Hospital
атакиери 6	Q. What time?	чижен 5	Center would not stand in the way of any claim
oraniama 7	A. I don't recall.	01:2±129µ <b>5</b>	for unemployment insurance that she might put
01.38.12.12.14 B	Q. Who was present there?	очантары 7	forth and that would otherwise be determined by
0128118FM 9	• • • • • • • • • • • • • • • • • • • •	вижнин В	the Department of Labor as being a legitimate
913617Pw 10	A. Cathy Magone, and Carole Newmark, and myself.	отфа2т <b>м</b> 9	claim.
6128-18PA 11	•	ртэмя <del>хом</del> 10	And I told her that in terms of any
012E3E9# 12	(	orangino 11	prospective employment, that, as was our
озватем 13	A. To the best of my recall, I spoke first.	pr2+3/8# 12	practice, we'll only share dates of employment
012027PN 14	Q. What did you say, in words or	пакин 13	and job title.
nasa 15	substance?	01293894 14	And I offered her the opportunity to
маан 16	A. I stated to Carole that we were	пожен 15	decide whether she wanted it to be a resignation
	meeting because Cathy had ongoing concerns about	□ 22460m 16	as opposed to a termination. I offered her the
18 naisana 18	her attendance and performance, and then I turned	0120-09M 17	opportunity to make that determination take
19	the conversation over to Ms. Magone, who provided	massana 18	overnight to make that determination.
marsona 20	the details.	19 nasam 19	And we agreed that she would contact
124419M 21	Q. What did she, Ms. Magone, say, in	лэнэээ 20	me the next day with her decision.
22	words or substance?	*1255FM 21	Q. Was there anything else discussed at
na 23	A. She had the prepared probationary	dissents 22	the meeting, apart from what you have already
1275MPN 24	performance-evaluation document with her, which	otaniai 23	testified to?
17mm 25	had already been completed and signed by	пошен 24	A. Yes. I advised Ms. Newmark that,
<b></b>	COMPU-TRAN SHORTHAND REPORTING	нийт 25	when our meeting concluded, that Cathy would
of 58 shee	ets Phon 131 an		COMPU-TRAN SHORTHAND REPORTING

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	1 Pat Orsaia	1 1	127
Q1:30:12Psq	2 accompany her back to her work station so she	ہا ہ	. = 1 0.0014
01:36.17PM	3 could collect her personal belongings; that if	отологи 2 отологи 3	To be any marcay man resignation would
0+~	4 she had anything that needed to be packed up -	0133-0784 4	and a season in oranical fit issue that tights side fidu
TE	5 for instance, books, you know, personal items, et	0120 Simu 5	_
01:30:35PM	6 cetera, that she could not take with her right	B133210M4 6	- ·
UT3028FM	7 then - that they would be happy to pack them up	(010034FW <b>7</b>	
01-30 S1PM	8 and send to her or arrange for her to come back	(11202-189M <b>8</b>	
Q120:28PM	9 and get it at another time.	enzizizio 9	_
01:20-40PM 1	0 I had Ms. Newmark's letter of	araizari 10	•
DÜJOSIPİM <sup>*</sup>	1 termination prepared in advance of the meeting.	D1.5525994 11	A. No, she did not.
01:305(FM d	2 I had it with me. And as I recall, I told her I	in.222(194 12	
mánápis (	3 had the letter of termination, but she had this	013338FM 13	
отолюции 1	4 option. And when I had her decision, then,	паэнн 14	A. That is not the terminology I would
отапатна 1	The second of th	m.oo.oiru 15	use. She had been told that we were separating
озаняны 1	6 she would need to submit a letter of resignation	отазаны 16	employment, effective immediately.
	7 to me, and I would destroy the letter of	панен 17	Q. And she had been told this by
distanti 1	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	pp.20748PM 18	Ms. Magone; is that right?
0131222Pw 1	The second second second time	01:12:40m 19	A. In my presence, yes.
013134PM Z		maissesi 20	Q. The person that she made these
ризнатем 2	The street only thing class said by	pr. 21	allegations concerning; isn't that right?
01312894 2	- The state of the	0138-5164 <b>22</b>	A. "These allegations;" could you
<sub>візі</sub> мен 2 <sub>війнави</sub> 2		панем 23	clarify?
9131:4FM Z		npain 24	Q. Sure. Allegations concerning
01:11:44FM	Q. Did there come a time, you COMPU-TRAN SHORTHAND REPORTING	изкоим 25	ageism.
		<del>  -</del>	COMPU-TRAN SHORTHAND REPORTING
	126		128
	126	1	128 Pat Orsaia
prájskég	126 1 <i>Pat Orsaia</i> 2 withdrawn,	араданы 2	128  Pat Orsaia  A. Yes. Ms. Newmark made an allegation
prájské <b>y</b>	126 1 <i>Pat Orsaia</i> 2 withdrawn. 3 Following the meeting, what happened	отзијаны 2 отзидни 3	128  Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she
PLOISON PISTSPM PISTSPM	126  1 Pat Orsaia  2 withdrawn,  3 Following the meeting, what happened  4 in connection with Ms. Newmark?	арманы 2 отмены 3- римперы 4	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.
рт41349ы рт3138РМ рт3157РМ	126  1 Pat Orsaia  2 withdrawn,  3 Following the meeting, what happened  4 in connection with Ms. Newmark?	отзијаны 2 отзидни 3	128  Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she
рт41349ы рт3138РМ рт3157РМ	126 Pat Orsaia withdrawn, Following the meeting, what happened in connection with Ms. Newmark? A. Following the meeting, at some point — at some point after Ms. Newmark left	атаменны 2 отаменны 3 реаменны 4 отаменны 5	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.  Q. That is the only allegation she made?
0121349W 0131399W 0131579W 1122399W	Pat Orsaia  withdrawn.  Following the meeting, what happened in connection with Ms. Newmark?  A. Following the meeting, at some point — at some point after Ms. Newmark left Lawrence Hospital premises, I spoke with Cathy Magone. She relayed to me that Carole's final	финфарм 2 потмерты 3 резоварта 4 отожности 5 отожности 6	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.  Q. That is the only allegation she made?  A. Yes.
P1-21-5-094  D1-21-5-094  D1-21-5-7-94  D1-22-5-7-94  D1-22-5-1-94	Pat Orsaia  withdrawn,  Following the meeting, what happened in connection with Ms. Newmark?  A. Following the meeting, at some point — at some point after Ms. Newmark left Lawrence Hospital premises, I spoke with Cathy Magone. She relayed to me that Carole's final comments to her had been very inappropriate and	арадыны 2 отладины 3 реактору 4 отласыны 5 отласыны 6	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.  Q. That is the only allegation she made?  A. Yes.  Q. So, when you saw the e-mail that you
DILDISANIA DICTISANIA	Pat Orsaia  withdrawn.  Following the meeting, what happened in connection with Ms. Newmark?  A. Following the meeting, at some point — at some point after Ms. Newmark left Lawrence Hospital premises, I spoke with Cathy Magone. She relayed to me that Carole's final comments to her had been very inappropriate and involved profanity. She told — Cathy Magone	принями 2 принями 3 развичи 4 принями 5 принями 6 принями 7 принями 8 приня	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.  Q. That is the only allegation she made?  A. Yes. Q. So, when you saw the e-mail that you referenced, when you read the e-mail from her
01.31.54444  01.31.54444  01.31.54444  01.32.54444  01.32.54444  11.32.53444  11.32.53444  11.32.53444  11.32.53444	Pat Orsaia  withdrawn.  Following the meeting, what happened in connection with Ms. Newmark?  A. Following the meeting, at some point — at some point after Ms. Newmark left Lawrence Hospital premises, I spoke with Cathy Magone. She relayed to me that Carole's final comments to her had been very inappropriate and involved profanity. She told — Cathy Magone told me specifically what had happened.	приня 2 приня 3 приня 4 приня 5 приня 6 приня 7 приня 8 прина 9	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.  Q. That is the only allegation she made?  A. Yes.  Q. So, when you saw the e-mail that you
11.31.54884  17.31.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884  17.32.54884	Pat Orsaia  withdrawn.  Following the meeting, what happened in connection with Ms. Newmark?  A. Following the meeting, at some point — at some point after Ms. Newmark left Lawrence Hospital premises, I spoke with Cathy Magone. She relayed to me that Carole's final comments to her had been very inappropriate and involved profanity. She told — Cathy Magone told me specifically what had happened.  And I suggested to her that she note	асанданы 2 отонстии 3 ризостия 4 отонстии 5 отонстии 6 отонстии 7 отонстии 8 отонстии 9 отонстии 10	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.  Q. That is the only allegation she made?  A. Yes. Q. So, when you saw the e-mail that you referenced, when you read the e-mail from her relating to the statements that Ms. Magone said
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11.31.34444  11.32.34444  11.32.34444  12.32.34444  13.32.34444  14.32.34444  15.32.34444  16.32.34444  17.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.344444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  18.32.34444  20.32.34444  20.32.34444	Pat Orsaia  withdrawn.  Following the meeting, what happened in connection with Ms. Newmark?  A. Following the meeting, at some point — at some point after Ms. Newmark left Lawrence Hospital premises, I spoke with Cathy Magone. She relayed to me that Carole's final comments to her had been very inappropriate and involved profanity. She told — Cathy Magone told me specifically what had happened.  And I suggested to her that she note that in an e-mail and send it to me.  Q. Why?  A. Because I thought it was important that that be documented.  Q. Why?  A. Because it was completely inappropriate.  Q. She was fired; she had been terminated; is that right - Ms. Newmark?	арменты 2 отомоти 3 реастери 4 отомоти 5 отомоти 6 отомоти 10 отомоти 11 реастери 10 отомоти 11 реастери 13 отомоти 14 отомоти 14 отомоти 15 отомоти 16 отомоти 17 отомоти 17 отомоти 17 отомоти 17 отомоти 18 отомоти 17 отомоти 18 отомоти 17 отомоти 17 отомоти 18 отомоти 19 отомоти 20 отомоти	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.  Q. That is the only allegation she made?  A. Yes. Q. So, when you saw the e-mail that you referenced, when you read the e-mail from her relating to the statements that Ms. Magone said to her, in reference to "young," and "could take things in like a sponge" and "Nicole was younger, and she could handle the job better than she could" she didn't make those allegations to you?  A. May I see that document, please? Q. Of course.  MR. KEIL: Would you like me to show Ms. Orsaia my copy of Plaintiff's Exhibit 5?  MS. NICAJ: Thank you.
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11.13.44 14 14 15.13.13.14 14 15.13.14 14 15.13.14 14 15.13.14 15.14	Pat Orsaia  withdrawn.  Following the meeting, what happened in connection with Ms. Newmark?  A. Following the meeting, at some point — at some point after Ms. Newmark left Lawrence Hospital premises, I spoke with Cathy Magone. She relayed to me that Carole's final comments to her had been very inappropriate and involved profanity. She told — Cathy Magone told me specifically what had happened.  And I suggested to her that she note that in an e-mail and send it to me.  Q. Why?  A. Because I thought it was important that that be documented.  Q. Why?  A. Because it was completely inappropriate.  Q. She was fired; she had been terminated; is that right - Ms. Newmark?  A. Wefl, at that point, she was told she was separating employment. It was up to her	азменны 2 отзменны 3 резменны 5 отзменны 6 отзменны 7 отзменны 8 отзменны 10 везменны 11 везменны 13 отзменны 13 отзменны 14 отзменны 15 отзменны 16 отзменны 16 отзменны 16 отзменны 16 отзменны 16 отзменны 17 отзменны 18 отзменны 19 отзменны 19 отзменны 19 отзменны 19 отзменны 19 отзменны 19 отзменны 20 отзменны 20	Pat Orsaia  A. Yes. Ms. Newmark made an allegation that Ms. Magone used the word "young," and she considered that to be ageism.  Q. That is the only allegation she made?  A. Yes.  Q. So, when you saw the e-mail that you referenced, when you read the e-mail from her relating to the statements that Ms. Magone said to her, in reference to "young," and "could take things in like a sponge" and "Nicole was younger, and she could handle the job better than she could" she didn't make those allegations to you?  A. May I see that document, please?  Q. Of course.  MR. KEIL: Would you like me to show Ms. Orsaia my copy of Plaintiff's Exhibit 5?  MS. NICAJ: Thank you.  A. Would you like me to look at that one instead?

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,	. IZ5		131 <b>1</b> Pat Orsaia
01:26:41PW 4	2 Ms. Newmark didn't merely allege that Ms. Magone	01.36.22/44	2 and could handle the job better than she could,
01:35/15PM <b>3</b>		1 '	3 in words or substance?
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a, <b>E</b>		Blasseu	4 A. That is not a direct quote that I 5 recall hearing from Ms. Newmark.
01 36 SAPA 6			
разения 7	A. Could you rephrase the question,	01:28:3096	6 Q. Well, did she ever write that to 7 you, for example, like Plaintiff's Exhibit 5?
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61:38:18 <b>94</b> 9	Q. She, in fact, told you that Nicole	1	rik, kere, object, me
отанажен 10	was younger and could handle the job better than	. D1/38/42/PM 1	- avoid their speaks for RSEII.
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ந்துத்து <b>13</b>	asking?	01-28-SSPM 13	_
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отакары 15	A. I'm sorry. I'm going to have to ask	акизич 15	
maraine 16	you to rephrase. I'm not sure if you're reading	отоворян 16	_
поноры 17	from number three and I'm trying to respond to	01:30:50FM 17	
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оциком 19	separate question.	cisesses 19	The state of the s
01:38;44PM <b>20</b>	Q. Didn't Ms. Newmark advise you, in	9129HSPM 20	
D3:05.AFM 21	words or substance, that Ms. Magone told her that	ச் <b>க்கை</b> 21	, and the training the cold
<del>ижену</del> 22	the reason Nicole was being appointed to that	D1:30:22#W 22	
maiseu 23	palliative-care unit was because Nicole was	91:34:24 23	
отакуюм 24	younger and could handle the job better than	<sub>правин</sub> 24	and an area of the case and
лэгжжм 25	Ms. Newmark could?	a)2000 25	_
	COMPU-TRAN SHORTHAND REPORTING	-,-,,,,,	COMPU-TRAN SHORTHAND REPORTING
	130	<del> </del>	
1	Pat Orsaia	1	132. Pat Orsaia
0132 <b>0024</b> 2	A. Ms. Newmark's Ms. Newmark stated,	D1:38:45PM 2	A. What Ms. Newmark says in this
обологи З	her allegation to me, that Ms. Magone had used	понями 3	document
01;57:18PM 4	the word "young" when explaining to her why	.51.24 efec 4	Q. I'm asking
отокшей 5	Nicole was assigned to the palliative-care	prosesses 5	A that Cathy denied that she said
n:ai:xx=4 6	project.	1913051PM 6	that, quote, "Nicole was younger and could handle
marz# <b>*</b> 7	Q. I'm going to direct your attention	G1:38:54PM 7	the job better than I could."
913722 <b>74</b> 8	to what is marked as Plaintiff's Exhibit 5.	01:36:57Pm 8	Q. Did she ever advise you, yes or no,
71:37:28PM 9	Here, I'm going to show you the formal exhibit.	<sub>тіжня</sub> 9	that Ms. Magone told her that Nicole was young
10	(Handing)	01:00,000mu 10	and could handle was younger and could handle
137,40PW 11	Do you see paragraph three?	risecursi 11	the job better than she could?
йаг <b>ины 12</b>	A. I do.	12	A. No.
13 na 13	Q. She made that allegation in your	отжения 13	Q. She never did. Okay.
*32.40my 14	presence, didn't she, that "Nicole was younger	отлением 14	Did Ms. Magone ever, at the
ւոտատա 15 	and could handle the job better than I could," in	15 majana 15	September 29th, meeting, ever state, in words or
ற <b>ை 16</b>	reference to Ms. Newmark; is that right?	отножени 16	substance, Nicole was young and could take things
17 išršimi 17	MR. KEIL: I'm going to	<b>91-40-22Ры</b> 17	in like a sponge?
18 with 18	object. Your question seems to be	#18 menosene 18	MR. KEIL: I object as to
isania 19	ambiguous. Are you asking the witness	D1:40:078M 19	form.
: M PM 20	MS. NICAJ: I'm going to	010007FM 20	Answer if you can.
21	rephrase the question.	<sub>Отночен</sub> 21	A. I do not recall that as a direct
22	Please don't make a speaking	m-m504u 22	quote from Cathy Magone.
u 23	objection, okay?	81,4031PM <b>23</b>	Q. You see how there is a quote that
жині <b>24</b>	Q. Did Ms. Newmark state to you at any	01 40 <del>200 pu</del> 24	Ms. Newmark wrote? She stated that she did say
25 per 25	time, that Ms. Magone told her Nicole was younger	61:46:58ma 25	that Nicole was quote, "young and could take
	COMPU-TRAN SHORTHAND REPORTING		COMPU-TRAN SHORTHAND REPORTING
of 58 shee			

	Case 7:07-cv-02861-CS Doggmen	<del>l 21-6</del>	Filed 09/02/2008 Page 9 of 63
	1 Pat Orsaia		135 1 Pat Orsaia
01-41-02 <del>0/0</del> /	2 things in like a sponge." Do you see that?		1 Pat Orsaia 2 referring to?
Øn:41;b8pm	3 A. Yes, I do.	D1:44ČSIPM	
øi.	4 Q. Do you dispute that's what	D1:4e:30094	711 140. It seems to me there is a
<b>G</b> 7	5 Ms. Magone said at the September 28th meeting?	01-43 <del>cdeP</del> 4	anney sac a minor able to pur a name to it.
Olati istar	6 A. I do.	(4:47:10PM	and a complete possibly broughting
01:45:15PM	7 Q. You do dispute that?	B1;xtht;ippu	to let as
01:41:1 <b>5P</b> V	8 A. Yes.	D1:47 16F42	The state of the s
Obstallina	9 Q. Did you submit your dispute or	отрегониры	
01,43:1 <del>974</del>	0 withdrawn.	Distributes	
01:41:20PM	1 Did you reply to Ms. Newmark,	D1:47:3494 1	The state of the classics
D1141 94PM		01:47:3;# <b>9</b> 0 1	Thursday and a
91.41:21PM		D1-17-1794 1	Pi tras susce on genuer.
81.42.00má		01:47:3164 1	- Factorial Tages 21/2 46/16/16/
s)-c-men	5 Q. Have there been claims of	91:47:54MM 1	
01-42-00ma 1	6 discrimination brought against Lawrence Hospital	919754MA 1	The field and make her complaint?
P1982.00PM 1	_	1	and checan the exact date.
OTHERSON T	• •	отничества <b>1</b> Вт. 4500000 1	Thought reference to gender, aid
e1 42 000+si 1	_	1 ' ' .	
отнажени 2	MS. NICAJ: Since her	тялям <b>1</b>	and anoged that we terminated her
m-exemi 2	· · · · · · · · · · · · · · · · · · ·	01:4123Fu 2	- The same added on the lact that she was a
01/42/00 <b>994 2</b>		01:4123PM Z	
# 14200 M		]	- Amen was her bosition ferminated.
an-42-00m4 2		отний яжи <b>2</b> 3	and treesit the exact date.
втя <b>хнору</b> 2		ме <i>т</i> ы 2	- William - Minidiamii
	COMPU-TRAN SHORTHAND REPORTING	онция <b>2</b> !	and the troing
<del>-</del> -	134	<del>                                     </del>	COMPU-TRAN SHORTHAND REPORTING
	1 Pat Orsaia	,	136
D1,-42-02Fpa	A. Yes.	1.	Pat Orsaia
DI 12 INPM	Q. On how many occasions?		
81,42,87 <del>90</del>	A. We're talking, any kind of		yet a record site that then 9
D1-12:50PM		GEARDON 4	complaint with the Division of Human Rights and
andam.	Q. Any form of discrimination.	01-0110994	and then she brought a private
91;42:10PM			
отизновий			2. So you wind what for the prought
91/45/00PM		ءَ ا	The state of state coult
******** 10		1	z woll t Wildig!
м <del>узаны</del> 11	Q. Apart from plaintiff, who are the	01-40-3794 TU	To you know whether the case was
erazen 12		65:0:0Pm 12	
01-03-0-s 13	A. I don't know that I'm allowed to	13 mary 13	
o-car⊷ 14	provide you with that information.	<sup>014-29</sup> 2-13   <sub>01-жини</sub> : 14	_
er-et-arrest 15		лана 15 лана 15	
<del>шары 16</del>	cases that are pending?	000000 15 000000 16	A. The original complaint to the EEOC
minimum 17	MR. KEIL: If you are aware	01:50:00Py 17	or the State Division of Human Rights, was found
18 marian	of any claims, name the employee involved	015000PW 17	to have no merit. In terms of the lawsuit, I
என்கை 19	if you can recall it.	01:46 TAPU 19	believe it was settled as a nuisance for
DV 45 5094 20	A. Mary Maicovski,	mstzzw 20	nuisance value. I'm trying to remember exactly.  Q. What about Elizabeth's?
ுக்க 21	Q. Can you spell Maicovski.	01:50:27mu 21	The state of the s
. 22	A. I think it's M-a-i-c-o-v-s-k-i,	01:502794 & 1 01:502094 22	A. Elizabeth's complaint was for an
23	Elizabeth; I can't remember the last	915042PM 23	allegation of sexual harassment.  Q. When?
от <del>чезге</del> м 24	лате.	отности 24	_
m 4437Nr 25	Q. Is it the social worker you were	ознавана <b>25</b>	A. Approximately, three years ago.
	COMPU-TRAN SHORTHAND REPORTING	washi Eij	Q. Which employee or employees did it
3/19/2000	09:48:33 AM Page 133 to	136 -64	COMPU-TRAN SHORTHAND REPORTING

	C	ase 7:07-cv-02861-CS Documen	21-6		Filed 09/02/2008 Page 10 of 63
,	1	Pat Orsaia		4	139
D1:50:56PW	2 concern?				Pat Orsaia
41.81*10PM **	3 A.	Her allegation was against a	61.42 mar	-	scheduled to work with several other people in
er-	4 co-worke	r in the pharmacy department, whose nam	91:03:19		
m, {	5 I don't re		- 1 "	_	She came in; she saw that the person
etširizem (	6 Q.	Male worker?	07:54:03(4)		she made the allegations against was in the same
0151:UPM .	7 A.	Yes.	015406P		department, physically. And she said that that
01:51:32PM <b>8</b>	8 Q.	Did she bring that withdrawn.	01:34:40		was unacceptable to her, and she decided to
013135M4 <b>S</b>	9	Was that did she file a lawsuit,	P1.54:12F5	_	resign.
оциальн 10	to your kn	•	D1:Sû:19AL	•	Q. Apart from what turns out to be
project. 11		I believe she filed a complaint as	01: <b>44:22</b> PM		formal complaints with the EEOC and the one filed
мал <i>ле</i> 12		th was dismissed.	013427FW		In court, did anyone, while you were HR director
na		When you say "a complaint," where?	01543194	–	or in your previous position, ever come to you,
D1:51:4700 14	A.	I believe, with EEOC.			making claims of discrimination?
015140Pm 15	_	And you say it was dismissed,	P155-06PM		A. There were many occasions in the
16 august 16	<u>-</u> -	Did she, thereafter, file a federal	P1:86:13P(d		course of my employment at Lawrence and similar
018161tm 17		old shig, thereafter, the a receral	O1gES:njeřec		positions with other institutions, where
maiana 18		I don't believe so.	U1:55.1679M		employees would come forward and discuss a
marana 19	, .,		01:55;≥savu		concern that might involve a comment made by a
materia 20		Is she still an employee, to your	対認め特別		co-worker or by a leader in the department, or a
21	-	No.	detail annye		question regarding enforcement of a policy, a
0131 June 22	• • • •	<del></del>	D1:55:44PM		question regarding corrective action that had
0152.00PM 23		Did she leave what were the	DISHORPIA		been issued to them, or seeking to clarify our
015250PM 24	A.	tes in which she ceased employment?	th Shikirin		corrective-action policy.
01:32:00 PM 2-9		She resigned.	DT 35538W	24	There were times during those
maripu 23	Q.	Was this rather than face	ELFTP-EMMT.	25	discussions when employees would use the word
		COMPU-TRAN SHORTHAND REPORTING	<b>_</b>		COMPU-TRAN SHORTHAND REPORTING
4		138	1		140
7	<b>t</b> arminati	Pat Orsala		1	Pat Orsala
	termination A.		G1-58:01PM	2	"harassment," or say things like, I feel like my
1	Q.	No.	81:00:00PM	3	co-worker is harassing me, or ask me a question
01.02 10PM 5	time?	Were you employed at Lawrence at the	01/58/0 <b>9</b> PM	4	if something constituted harassment.
	_	V	61 <b>59 33 PM</b>	5	And we would have that discussion,
arsonesi 0	Α.	Yes.	718830PM	6	and I would answer their questions. And most
M M 20 M 1	Q.	Did she have an exit interview?	от≤ <u>е,авр</u> м	7	typically, we were able to come to some
01522094 <b>0</b>	A.	Yes, she did.	51:5E33PM	8	resolution where the individual understood that
	Q.	Did she indicate why she was	D1:58:37(M	9	an isolated incident or comment did not
01:52:50% 7.0 01:52:52% 11	resigning?	No	\$1:86:## <b>!</b>	10	constitute harassment. And we were able to
015250PM 12	A.	Yes. She provided me with, as I	В1:50 НУРыя <sup>*</sup>	11	and I was able to facilitate some sort of
		e- or two-page letter indicating her	Citationia ,	12	resolution of their concern with the other
D1550000 13	reasons for Q.		presistru.	13	person.
	_ <del>-</del>	What was the substance of the	D1;5F57Pk	14	Q. Did you ever reduce any of those
n 42	reasons of h	•	in statem	15	communications in writing?
16	A.	The substance of it was that after	.01:87;97PM	16	A. I can't say I never did; but
national 17		e our internal investigation and found	от 57; торы	17	typically in those situations, I would not reduce
18		egation could not be corroborated by	.01,57.12PM 1		it to writing.
19 20		vitnesses she named, her department	e137.13Рм 1	9	Q. As you sit here today, can you
и <b>жилум 20</b>		eed, at Elizabeth's request, to do	отеления 2	20	recall any instance in which an employee came to
		schedule Elizabeth and the person she	атотпри 2	!1	you about what they perceived to be
	made the si	legations against, to try to not have	01:01:21:04 Z		discrimination and you reduced it to writing,
22			I _		
22 23	them in the	same schedule or be in the department	01 <i>572</i> 444 2	.3	while you were at Lawrence Hospital?
22. 1524104 23 1524104 24	them in the alone when	ever possible.	01 <i>574</i> 554 2 81545464 2	_	while you were at Lawrence Hospital?  A. Not that I can recall.
22 72 7324/MI 23 153/1702 24 153/2702 25	them in the alone when Si	ever possible. iortly thereafter, Elizabeth was	} · ^ =	4	A. Not that I can recall,
22. 1524094 23 1524094 24	them in the alone when Si	ever possible.	прешни 2	4	A. Not that I can recall,

· •	1	Ise 7:07-cv-02861-CS	Document				0 <u>2/2008 Page 11 of 63</u> 143
 	, ) A	Pat Orsala			1		Pat Orsala
projectowe. A	2 A,	President and CEO of Law	rence	R2-02-1489A	2	workers?	
				02:02:10 PM	3	A.	Elizabeth was a social worker there
61-7 <b>4</b>	Q.	Did Ms. Galloway ever come t		où-ts: Madr	4	yes.	
. 5		y concerns she had relating to	Cathy	D2502:-LIMIN	5	Q.	Did Ms. Galloway ever express any
01:5E:5E## 12	Magone?			02:0 <b>2:27%</b>	6	other cond	cerns with respect to Ms. Magone?
ovisesporu /	Α.	Talking about Denise Gallo	way?	(SECTION)	7	A.	Not that I recall, no.
uriesaawi O	Q.	Denise Galloway,		dz:02:369W	8	Q.	Did you ever advise Ms. Newmark, in
40 40	A.	Denise Galloway came to n		02:02:41 PM	9	words or s	substance, that other employees had
окияния 10 4.4		was a supervisor in the socia		02:62:4494	10	complaine	d about Ms. Magone to you or in your
กลังเคย 11 42		nt, who had been at Lawrence		02:02:97PM	11	presence?	
97.EH219W 12		many years. At one point, t		1	12	A.	No.
13 ::::::::::::::::::::::::::::::::::::		osition created. It was a new		02:02:5¢FM	13	Q.	Did the social worker, as opposed to
		to Cathy Magone. I believe t		87 62:54 PM	14	Elizabeth -	
15		ant director of case manage		02:02:07PM	15	A,	Elizabeth Basil?
16 www.		k. The recruitment process		67 07 48 W	16	Q.	Yes; did she ever express her
17 40		And an individual was select	ed to fill	02020194	17	concerns to	you about Cathy Magorie?
18 mm	that position			62;00:18PM	18	Α,	Only as I have already stated, in
19 www.		Penise Galloway came to see		HZ:03:10Pm	19	terms of c	furing her exit discussion and the
20 2000 21		vas shortly after this person		D2:(03:16PM	20		ter concerns about the staffing, and in
		Denise was concerned that		02:03:30PM A	21	the social	work department.
22		on had been created, that it		DZ:ESZ1PM Z	22	Q.	Who is Diane Lance?
600.16m 23		threat to her own job secu		02:90:23PM 2	23	A.	Diane Lance is the person who was
24 no.		asked me to clarify why it v		02:03:250m. Z	24	hired into	the new position that I just spoke
		m had similar supervisory ty		патрина 2	25	about, tha	t Denise Galloway came to see me abo
. <u></u>		OMPU-TRAN SHORTHAND RE	PORTING			7	COMPU-TRAN SHORTHAND REPORTING
4			142	1		-	144
1	and and	Pat Orsaia			1		Pat Orsala
10.22PH Z		same department.		02:53 33 PM	2	Q,	Do you know whether Diane Lance ever
najeu J		nd Cathy Magone's name car		92:01:35PM	3	expressed of	concern to you or anyone else about
10.48% <b>4</b>	pecause De	nise appropriately said that	Cathy had	ETP: HIR THE PRINT	4	Cathy Mago	
жива 5 -		position in the department		d≥:coiyoepea	5	A.	Diane Lance met with me, but it was
жини б кален 7		ng decision to hire this other		02:04:07PM	6	not about (	Cathy Magone.
		enise had not applied for tha		UZ:SÁLCOPM	7	Q.	What was it concerning?
8 ≏		some concern about where		(S) SH: 11PM	8	A.	It was concerning the fact that she,
40	the overall s	scheme of things in the depa	rtment,	02:64: ISPM	9	Diane, was	responsible to manage the case
10 1224 11		is other position had been cr		. № ментры 10			and social workers; and within the gro
12 12 12 12 12 12 12 12 12 12 12 12 12 1		nd that is what we talked abo		от везоры 1	1	of case mai	nagers, there were this was early in
		Did Ms. Galloway ever express a	any	ориани <b>1</b> 2	2	Diane's ten	ure — there were there was some
27ma 14		s relating to Cathy Magone?		<sub>помент</sub> 13	3	level of dys	function with two or three of the
		enise said to me that was		огонаври 14		case manaç	gers. And Diane was venting to me, as
им 15 же 16	uie same me	seting, but I do recall Denise	telling	<sub>фенары</sub> 15	<b>5</b> 1	new manag	er, about the challenges she faced in
φω 10 . 47	ine that she	would have liked to have se	en the	02000000 16	; 1	trying to ge	t them to accept her as the leader
ada 17 (	uepartment 	expanded - meaning, more ;	ositions,	оронунун 17	,	and cooper	ate with what she set out in terms of
		work positions created.		∞ <sub>≈em</sub> 18	1	their work a	assignments.
19 	Q. H	ow many social work positions	were ,	Red: 19			MS. NICAI: Mark this as 25.
20 t		me Ms. Galloway was working a	at	20		(Wher	eupon, 10/5/06 e-mail from Cathy
∞i.21 l 22	_awrence?		1	21			Pat Orsaia was marked as
,,		believe it was Denise plus to		22			Exhibit 25, for identification.)
	ocial worke	rs. It may have been Denise	plus one 🗓	e‱w⊷ 23		_	"m going to direct your attention
23 s							
23 s		; I'm not positive.	b	(05316w <b>24</b>	te	o what has b	een marked as Plaintiff's Evhibit
23 s	Q. w	r; I'm not positive. as Elizabeth one of those social MPU-TRAN SHORTHAND REPO	l .	24 10000 25	t( 2	o what has b 5, for identif	een marked as Plaintiff's Exhibit fication. <i>(Handing)</i>

-	Case 7:07-cv-02861-CS Document	211-6	Filed 09/02/2008 Page 12 of 63
,	1 Pat Orsaia		147
72 05: MPul	0.000		1 Pat Orsaia
	Do you recognize that document?  A. It's an e-mail from Cathy Magone to		2 and that Cathy was concerned that Carole had not
birdinens		02:da:48PM	3 brought Cathy into the loop about that,
02°	4 me, sent on October 5.  G. Did you receive it on or about	ation sing f	4 Q. I'm sorry. I'm not what are you
		02;00;00;PM	- A COLOR WINDS COMMUNICACIONS
27:05:4044 ( 27:05:4044		32:08:400 M	- admit know exactly what the hature
		\$2:09:01PM 7	told me that she
02:05:00PM \$	Q. The subject is Carole Newmark. It	02:08:02(FM E	and to cardle that Camy
		ozide-filena S	The state of the state any
еденям 11 естания 11	provide up the de trial de 2:00 last highe and has	2200 1300 10	. I will have been since that been
02000 PM 1 1		0200-104a 11	
9200-01PH 12	- Jou sale lifet;	,02.00 NPM 12	2 call it that for lack
22:00 DPM 13		maz 13	<ol> <li>Q. You knew that already; you had known</li> </ol>
огласими 1-1	the state of the s	02:00:23Fix 14	that already?
02000000 8 S 02000200 16	The state of the s	2000 15	the state of the s
03002348M 17	- 4 - 1 - 4 - 1 - 1 - 1 - 1 - 1 - 1 - 1	narana 16	Q. What are you referring to about the
62:00:14(PM 17	mentioned that there was an e-mail exchange	посты 17	palliative care?
02.001.000 10 02.001.2700 19	concerning Ms. Newmark's receipt of responsive e-mail from Ms. Magone	18 besteen 18	- w we reterring to pariative
13 market 20		ыля энц 19	
12 margine 21	- The Merc. Objection as to	∞∞am 20	The solity is marked a you, then.
izmanu 22	form,	филосотры <b>21</b>	What palliative-care project are you referring
#### 23	MS: NICAJ: Withdrawn.	12:50:100-м 22	
52002MPM : 24	Q. What do you taking a look at	02:19:10ma 23	a meet to claimy triat; I misspoke,
25 and 25	Plaintiff's Exhibit 25, do you know what	13;10;12Рм: 24	- Marie Project
especiale. With	Ms. Magone references mean by, "Carole picked up  COMPU-TRAN SHORTHAND REPORTING	. рынуш <b>ы</b> 25	
	OUMPU-TRANSMURTHAND REPORTING		
_		<u></u>	COMPU-TRAN SHORTHAND REPORTING
	146		COMPU-TRAN SHORTHAND REPORTING 148
1	146 Pat Orsaia	1	Pat Orsaia
<sub>шэсэн</sub> 2	146  Pat Orsaia her e-mail"? What e-mail is she referring to?	разорлини 2	148  Pat Orsaia  that; right - about the issue with the mental-
2	146  Pat Orsaia  her e-mail"? What e-mail is she referring to?  A. I think Cathy is referring to the	1 _	Pat Orsain  that; right - about the issue with the mental- health project you testified to?
2300000 2 12300000 3 0200000 4	Pat Orsaia  Pat Orsaia  her e-mail"? What e-mail is she referring to?  A. I think Cathy is referring to the e-mail she sent Carole, which again attempted to	02:10:18:96 2 02:10:23:96 3 02:10:29:96 4	Pat Orsaia that; right - about the issue with the mental- health project you testified to?  A. I knew that Cathy had performance
22000000 3 02000000 4 00000000 5	Pat Orsaia  Pat Orsaia  her e-mail"? What e-mail is she referring to?  A. I think Cathy is referring to the e-mail she sent Carole, which again attempted to clarify, in writing, what went into Cathy's	02:10:10#4 2 02:10:23#4 3 02:10:24#4 4	Pat Orsaia that; right - about the issue with the mental-health project you testified to?  A. I knew that Cathy had performance concerns in terms of Carole not making any
220040000 2 020040000 3 020040000 4 0004700000 5	Pat Orsaia her e-mail"? What e-mail is she referring to? A. I think Cathy is referring to the e-mail she sent Carole, which again attempted to clarify, in writing, what went into Cathy's decision to assign Nicole to the palliative-care	02:10:14/4 2. 02:10:21/4 3. 02:10:21/4 4. 02:10:21/4 5. 02:10:21/4 6.	Pat Orsaia  that; right - about the issue with the mental- health project you testified to?  A. I knew that Cathy had performance concerns in terms of Carole not making any progress on the mental-health program.
22000000 3 02000000 4 00000000 5	Pat Orsaia her e-mail"? What e-mail is she referring to? A. I think Cathy is referring to the e-mail she sent Carole, which again attempted to clarify, in writing, what went into Cathy's decision to assign Nicole to the palliative-care program.	02:10:1494 2. III; 10:2194 3. 02:10:2494 4. de:10:2494 6. de:10:2494 7. de:10:2494 7.	Pat Orsaia that; right - about the issue with the mental- health project you testified to?  A. I knew that Cathy had performance concerns in terms of Carole not making any progress on the mental-health program.  Q. Right.
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22 12204207994 3 0E20430794 5 1220710794 6 1220710794 10 1020730794 11 12 120730794 13 120730794 14 15 1620730794 15 1620730794 17 1820730794 18 18 1820830794 19 08001794 19 08001797 19	Pat Orsaia her e-mail"? What e-mail is she referring to?  A. I think Cathy is referring to the e-mail she sent Carole, which again attempted to clarify, in writing, what went into Cathy's decision to assign Nicole to the palliative-care program.  Q. And you asked her for a to find out when, if she received any response from Ms. Newmark?  A. I asked Cathy if her e-mail had prompted any further dialogue with Carole.  Q. October 5th, the date in which Ms. Magone e-mailed you, is the date in which Ms. Newmark was terminated; isn't that right?  A. Yes.  Q. To your knowledge, did anything occur from September 29th, 2006, until October 5th, 2006, concerning Ms. Newmark's performance -anything new; additional absences, new incidents?  A. I do recall Cathy told me that she became aware during that time period, through some other source, that there had been some	02:10:10:10  02:10:20:10  02:10:20:10  02:10:20:10  02:10:20:10  02:10:20:10  02:10:20:10  10  02:10:20:10  11  02:10:20:10  12  02:10:20:10  13  02:10:20:10  14  02:10:20:10  15  02:11:00:10  16  02:11:00:10  17  02:11:00:10  18  02:11:00:10  19  02:11:00:10  19  02:11:00:10  21  02:11:00:10  21	that; right - about the issue with the mental-health project you testified to?  A. I knew that Cathy had performance concerns in terms of Carole not making any progress on the mental-health program.  Q. Right.  A. In response to your question - what, if anything, new from a performance perspective was brought to my attention during that time period - what I'm saying is that during that time period, Cathy told me that she was even more concerned about Carole's lack of progress in regards to the mental-health project, because she had become aware that, in fact, Carole didn't share with her that the nurse, who was supposed to be working with Carole on this and had attended the training with her on the mental-health project, had communicated with Carole about the project. And Carole failed to tell Cathy that there had been this communication.  Q. So, there had been some progress
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C2:19:21FFM	2	interested in seeing progress and had prompted	DŽ: †13 ATTPAL	. 2	A.	I don't know exactly.
02:11:30PM	J A	Carole about it, Carole received some	Q2(13:48FM	3	Q.	When did she communicate that to
dit*	-	communication from the RN she was supposed to be	02:13:51 PM	4	уоц?	
<b>6</b> 1.	5	working with on the project and did not go to	42:13:54 <b>P</b> 4	. 5	A.	Sometime between September 28th and
ED: 11:30PM	• ~	Cathy to give her an update, and Cathy was	D2:13:5474	6	October 5	th.
52:11:42PM	(	concerned about that.	SÖ:HA:SÖPPAE	7	Q.	Apart from withdrawn.
02:11: <b>699</b>	8	Q. So, the fact that she didn't relay a	02; 14; QUPM.	8	•	Didn't she communicate with you
22:41:4 <b>5P</b> IX	9	communication she had with a nurse, she was	02:14 10PM	9	sooner than	October 5th?
OZ:313/BPM	10	concerned about?	D2:14:15PM	10	Ä,	She communicated that she had
R211/46/94	11	A. Yes, yes. Cathy was concerned that	COS MITTERN	11	concerns a	about Carole's attendance and
	12	Carole did not relay to Cathy that there had been	.02:14:16494	12	performan	ce prior to September 28th.
BF-11:54PM	13	some communication or some update regarding the	Oğ;162iPM	13	Q.	When did she do so for the first
OLI I STEM	14	project. I don't know the specifics of it.	00:1424PM	14	time, to you	<i>i</i> ?
02:92/01PM	15	Q. Do you know when Carole Newmark	92:(4.4 <u>0</u> 04)	15	A.	I don't recall exactly.
-02:12:00PM	16	communicated with that nurse?	02,14,27794	16	Q.	From September 28th through
02 15 00 M	17	A. I don't,	OŽÍN ŽINA	17	October 5th	, any other communications with
82;12;08PM	18	Q. Do you know what the nurse's name	1221428994	1B		about Ms. Newmark's performance, any
	19	is?	02.14.47764	19		ve not testified to?
,	20	A. No.		20	Α.	No.
or teates.	21	Q. Do you know where she works or where	02:16:50PM	21	Q.	Any other concerns?
E213PM .	22	she is assigned to?		22	Á.	No.
NEW PROPERTY.	23	A. No, I don't.	82:(4:57PM .	23	Q.	Have you communicated with anyone
12:12:1 <del>17:</del> 4	24	Q. So, in fact, there had been	52 1 <del>4 500 1</del> 4	24		your deposition here today, apart from
62:12:1 <del>3994</del> (	25	communications concerning the mental-health	(2:15:91PM	25	Mr. Keil?	,
		COMPU-TRAN SHORTHAND REPORTING				OMBIL TRANSPORTIVAND DEPOSITIVA
			l		C	OWEV-TRAN SHURTHAND REPORTING
		150		_		OMPU-TRAN SHORTHAND REPORTING
	1			1		Pat Orsaia
02:1 <del>2 2</del> 11-44	1 2	150	02:15:13Pie	1 2	C	Pat Orsaia
02:12:21:54 02:12:20:54		150 Pat Orsala	02:15:13Pie	_		Pat Orsaia About the deposition?
	3	Pat Orsala department with Ms. Newmark and the nurse, and I		2	Α.	Pat Orsaia
D2:12:20/94	3 4	Pat Orsala  department with Ms. Newmark and the nurse, and I just want to clarify something: You're saying		2	A. Q.	Pat Orsaia  About the deposition?  About the deposition.  No.
02:12:20/94 03:12:20/94	3 4 5	Pat Orsala  department with Ms. Newmark and the nurse, and I just want to clarify something: You're saying that Ms. Magone had an issue because Ms. Newmark	Œ:## <del>:###</del> M	2 3 4	A. Q. A. Q.	Pat Orsaia  About the deposition?  About the deposition.  No.  Have you been in contact with any
02:12:20(%) 02:12:20(%) 02:12:34(%)	3 4 5	Pat Orsala  Pat Orsala  department with Ms. Newmark and the nurse, and I just want to clarify something: You're saying that Ms. Magone had an issue because Ms. Newmark had been communicating with the nurse and hadn't	02:18/15PM	2 3 4 5	A. Q. A. Q. former empl	Pat Orsaia  About the deposition?  About the deposition.  No.  Have you been in contact with any oyees of Lawrence Hospital since you
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2 A. Yes. 3 Q. Or was? 4 A. Yes. 5 G. How long? 6 A. Six months. 8 was? 8 was? 8 was? 10 Q. Do you know when her date of hire a department leader is recommending that a sum of the extension period of the extended, there is a discussion only where is a discussion only white is a discussion only where is a discussion only white is a discussion o		1	Ca	133	11 2/1-6		i ileu 09	
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4 A. Yes.  5 Q. How long?  5 Q. Do you know when her date of hire  8 was?  8 was?  10 G. Do you know when her date of hire  8 was?  11 or about March 20th, 2006?  12 A. That sounds correct.  13 Q. Do you know whether she was hired on a robust march 20th, 2006?  14 A. That sounds correct.  15 A. Her probationary period be extended, there is a probationary period be extended, there is a probationary period of an employee?  15 A. Her probationary period had been extended.  16 extended.  17 Q. By whom?  18 A. By her department director, as per policy.  29 Q. Was ft required that she — when you was probationary which are probationary period?  20 Q. Was ft required that she — when you was period.  21 A. The policy is called Probationary period of an employee?  22 A. The policy is called Probationary period of a period of an employee.  29 Q. What does it say, in words or COMPU-TRAN SHORTHAND REPORTING  154  29 Whot does it say, in words or COMPU-TRAN SHORTHAND REPORTING  154  29 Substance, the policy?  30 A. It says that the probationary period is meant to introduce the individual to the organization, and vice versa.  31 Gr a period of up to three months. It says that is the probationary period?  4 And that at any time during the probation, either policy says is three months. It says that the department to onthinue the employment relationship.  20 Q. Did submit anything in writing approving an extension of a probationary period?  3 And that at any time during the probation, either policy suggests that any time decision to terminate employment relationship.  3 And that at any time during the probation, either policy suggests that any time decision to terminate employment relationship.  4 A. Idon't know. You have the policy suggests that any policies at Lawrence concerning that?  5 A. No.  5 Q. Did you submit anything in writing approving an extension of a probationary period?  6 A. She would have been Ms. Magone?  7 A. She would not have requested an extension of a probationary period?  8 A. Well, she would not have re		3			же <b>ж</b>	, 2		
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3 A. I don't know the pracise date, no. 10 Q. Do you know whether she was hired on 11 or about March 2004, 2006? 12 A. A. That sounds correct. 13 Q. And she was fired efter that six- 14 month probationary period? 15 A. He probationary period had been 16 extended. 17 Q. By whom? 18 A. By her department director, as per 19 policy. 19 policy. 10 Q. What trequired that she when you 10 Q. What trequired that she when you 11 years a sy "per policy," what policy are you referring 12 year 22 to? 13 A. The policy is celled Probationary 14 Periods. It's a human resources policy. 15 Q. Did Ms. Magone? 16 A. It says that the probationary 16 policy. 17 Q. What does it say, in words or 18 COMPU-TRAN SHORTHAND REPORTING 18 Pet Orsals 19 policy for exempt-level employees is six months. It says 19 the probationary period for non-exempt employees 10 policy for exempt-level employees is six months. It says 10 policy for exempt-level employees is six months. It says 10 policy for exempt-level employees is six months. It says 10 policy for exempt-level employees is six months. It says 10 policy for exempt-level employees is six months. It says 10 policy for exempt-level employees is six months. It says 11 policy for exempt-level employees is six months. It says 12 probationary period? 13 policy for exempt-level employees is six months. It says 15 policy for exempt-level employees is six months. It says 16 policy for exempt-level employees is six months. It says 16 policy for exempt-level employees is six months. It says 16 policy for exempt-level employees is six months. It says 16 policy for exempt-level employees is six months. It says 16 policy for exempt-level employees is six months. It says 17 policy for exempt-level employees is six months. It says 18 policy for exempt-level employees is six months. It says 19 policy for exempt-level employees is six months. It says 19 policy for exempt-level employees is six months. It says 10 policy for exempt-level employees is six months. It says 11 policy for exempt-level employee		,	_ ,	Do you know when her date of hire	02 <sup>1</sup> 2054P4	7		
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Q. And she was fired after that sixmonth probationary period?  A. Her probationary period had been extended.  By whom?  Q. By whom?  Q. By whom?  Q. Was it required that she — when you seed any period of an employee?  Periods. It's a human resources policy.  Q. What does it say, in words or COMPUTRAN SHORTHAND REPORTING  Pat Orsaia  Pat Orsaia  A. It says that the probationary period?  A. It says that the probationary period?  A. It says that the department of repostationary period?  A. It says that the probationary period for a memployee?  It's a human resources policy.  Q. What does it say, in words or COMPUTRAN SHORTHAND REPORTING  Pat Orsaia  154  Pat Orsaia  155  A. It says that the probationary period for a memployee.  155  A. Not necessarily.  A. Ves.  Q. Did vis what done in Ms. Newmark's case?  A. Did IT No.  Q. Did Ms. Magone?  21 Sey Per policy, what policy are you referring on which, as far as I know, she did was a far	٠.		_		\$2:21.05 <i>P</i> [4	11	Q	. Is that discussion anywhere in
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extended.  Q. By whom?  A. By her department director, as per policy.  Q. Was it required that she — when you say "per policy," what policy are you referring 22 to?  A. The policy is called Probationary Periods. It's a human resources policy.  Q. What does it say, in words or COMPU-TRAN SHORTHAND REPORTING 154  Pat Orsaia substance, the policy?  A. It would have been Ms. Magone's many which, as far as I know, she did with the probationary period for non-exempt employees is six months. It says that the probationary period for non-exempt employees is the probationary period for non-exempt employees is the probationary period for paper of the probationary period is meant to introduce the individual to the organization, and vice versa. 14 A. It would have been Ms. Magone's many which, as far as I know, she did complete the extension for Ms. Newmark. Which, as far as I know, she did complete the extension of the COMPU-TRAN SHORTHAND REPORTING 154  Pat Orsaia 154  Pat Orsaia 158  Pat Orsaia 158  Pat Orsaia 158  A. Well, she would not have requested it with me manager's discretion, probation can be extended for a period of up to three months. It says that at the department manager's discretion, probation can be extended for a period of up to three months. It says that the probation either 159 and that at any time during the probation, either 159 and that at any time during the probation, either 159 and that at any time during the probation, either 159 anyone to extend the probatonary period?  A. It would have been Ms. Magone?  A. It would have discussed it with me 250 and 3 A. Well, she would not have requested 158 and 3 A. Well, she would not have requested 158 and 3 A. Well, she would have discussed it with me 320 approving an extension of a probation?  A. No. Q. Did Ms. Magone ever recommend 158 and 3 A. Well, she would have discussed it with me 320 approving an extension of a probation?  A. No. Q. Did Ms. Magon			month prob	ationary period?	02:21-15P(d	14	Α	. Not necessarily.
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7 manager's discretion, probation can be extended for a period of up to three months. It says that the probationary period is meant to introduce the individual to the organization, and vice versa.  And that at any time during the probation, either party can determine that they do not want to continue the employment relationship.  Q. Does that require approval from anyone to extend the probationary period?  A. I think it says — the policy says it's with discussion with human resources.  Q. Discussion or approval?  A. I don't know. You have the policy in front of you. Maybe you can tell me what it says — discussion or approval.  Q. To your knowledge, as the director of HR, are there any requirements that the head of a department needs the approval of the HR department?  Q. Did she submit anything in writing requesting an extension of probation?  A. No.  Q. Did you submit anything in writing approving an extension of a probationary period?  A. No.  Q. Did Ms. Magone ever recommend Ms. Newmark's termination in writing?  A. No.  Q. Do you know if there are any policies at Lawrence concerning that?  A. The policy suggests that any decision to terminate employment, would be discussed with human resources. And there is a policy, I believe, on termination, that states that the person who can approve terminations, is the vice-president of human resources or her designee.	_				2 triansi	_	Q.	,
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12 party can determine that they do not want to continue the employment relationship. 14 Q. Does that require approval from anyone to extend the probationary period? 15 A. No. 16 A. I think it says — the policy says it's with discussion with human resources. 17 Q. Discussion or approval? 18 Q. Discussion or approval? 19 A. I don't know. You have the policy in front of you. Maybe you can tell me what it says — discussion or approval. 20 Q. To your knowledge, as the director of AR, are there any requirements that the head of a department needs the approval of the HR department?  10 A. No. 11 Ms. Newmark's termination in writing? 12 A. No. 13 Q. Did Ms. Magone ever recommend 14 Ms. Newmark's termination in writing? 15 A. No. 16 Q. Do you know if there are any policies at Lawrence concerning that? 17 policies at Lawrence concerning that? 18 A. The policy suggests that any decision to terminate employment, would be discussed with human resources. And there is a policy, I believe, on termination, that states that the person who can approve terminations, is the vice-president of human resources or her designee. 19 Q. I'm going to show you what was					82-22 ngtria	11	approving	an extension of a probationary period?
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17 it's with discussion with human resources.  Q. Discussion or approval?  A. I don't know. You have the policy in front of you. Maybe you can tell me what it says - discussion or approval.  Q. To your knowledge, as the director of HR, are there any requirements that the head of a department needs the approval of the HR department?  17 policies at Lawrence concerning that?  A. The policy suggests that any decision to terminate employment, would be discussed with human resources. And there is a policy, I believe, on termination, that states that the person who can approve terminations, is the vice-president of human resources or her designee.					02:23:29%)	6	Q.	Do you know if there are any
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21 says - discussion or approval. 22 Q. To your knowledge, as the director of HR, are there any requirements that the head of a department needs the approval of the HR department? 23 department? 24 department? 25 department? 26 department? 27 policy, I believe, on termination, that states that the person who can approve terminations, is the vice-president of human resources or her designee.	<b> 2</b> 0	i						
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24 of a department needs the approval of the HR 25 department?  26 Q. I'm going to show you what was	<u>-</u> 23	C			- 1			
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communicate with anyone eise concerning Carole dentification.  1	•			1	· ·
Jednitification.  1 Nould like to direct your  2 attention to Plaintiff's Exhibit 1, N425, 3 firecting your attention to 4.3, Paragraph 4.3: 3 formula firm he last week of the probationary period, the supervisor will conduct a performance-review disconsion with the employee. 4	dział gipu d	2 previously marked as Plaintiff's Exhibit 21, for	سندانده ا		
4 A. Yes. 5 attention to Plaintiff Schibit I, NA25, 6 drecting your attention to 4.3, Paragraph 4.3: 7 Touring the last week of the probationary period, the supervisor will conduct a performance-review of the supervisor of the department the supervisor will conduct a performance-review of the supervisor of the department	Opportunia S	•	'		
5 attention to Raintiffs Exhibit I, MA25, 5 drecting your attention to 4.3, Paragraph 4.3: 7 "During the last week of the probationary period, the supervisor will conduct a performance-review of the supervisor of the supervisor of the supervisor of the supervisor of the department head.  5 A Ves.  C Do you know whether Ms. Magone, the last week before the probationary period being extended, I don't know that she did or didn't, but I don't believe that is the scenario that is discussed———————————————————————————————————	4	I would like to direct your	1 " "		
6 directing your attention to 4.3, Paragraph 4.3: 7 "During the last week of the probationary period, the supervisor will conduct a performance-review discussion with the employee." 10 De you see that? 11 A. Yes. 12 Q. Do you know whether Ms. Magone, the last week before the probationary period, the original probationary period period for Ms. Newmark ended, had that meeting with her? 15 A. Well, the probationary period being extended, I don't know that she did or didn't, but I don't believe that is the scenario that is discussed 12 Q. I'm asking you a question: Do you awhether Ms. Magone met with Ms. Newmark as week prior to the original probationary period ending, to discuss her performance? 15 A. I don't know that she did or didn't, but I don't believe that is the scenario that is discussed 16 Q. I'm asking you a question: Do you awhether Ms. Magone met with Ms. Newmark as week prior to the original probationary period ending, to discuss her performance? 16 COMPU-TRAN SHORTHAND REPORTING 17 A. I don't know that. 18 1 I don't know that. 19 COMPU-TRAN SHORTHAND REPORTING 18 Per Orsala 2 A. I don't know that. 3 Q. Was your communicate with Ms. Cogliettino, vice-president of 7 human resources. 2 A. Well, the probationary period being extended, I don't know that she did or didn't, but I don't know that week prior to the original probationary period ending, to discuss her performance? 2 COMPU-TRAN SHORTHAND REPORTING 2 A. I don't know that. 3 Q. Was your communicate with Ms. Cogliettino, vice-president of 7 human resources. 3 No. Mol that I recall. 4 Ms. Newmark's employment was terminated? 5 No. Mol that I recall the exact date. 5 No. Miss. Newmark's employment was terminated? 6 No. Meemark's employment was terminated? 7 No. Miss. Newmark's employment was terminated? 8 Ms. Deb Gogliettino, vice-president of the Ms. Newmark's employment was terminated? 9 A. Because it was my practice to s	<sub>10</sub> 5		PP 24 24 PM	44 ا د	- <del></del>
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the supervisor will conduct a performance-review discussion with the employee." Do you see that?  A. Yes. C. Do you know whether Ms. Magone, the last week before the probationary period, the original probationary period for Ms. Newmark and for didn't, but I don't know that she did or didn't, but I don't know that she did or didn't, but I don't believe that is the scenario that is discussed— C. I'm asking you a question: Do you know whether Ms. Magone met with Ms. Newmark separated employment.  The standard of the probationary period being standard and the policy.  A. I'm would have been before metal to the original probationary period ending, to discuss her performance? COMPU-TRAN SHORTHAND REPORTING  To A guardian and the supervisor of the department with Ms. Magone met with Ms. Newmark a week prior to the original probationary period ending, to discuss her performance? COMPU-TRAN SHORTHAND REPORTING  To A guardian and the supervisor of the department with Ms. Gogliettino, about any recommendation with the supervisor may recommendation in mitting to human resources and the department was the submitted in writing to human resources and the department head. Did Ms. Magone ever submit her recommendation must be submitted in writing to human resources. I'm asking — Did Ms. Magone was the department head. C. I'm asking you: Did Ms. Magone was the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor yelevel.  A. Not in writing, no. C. Apart from Ms. Magone, did you  A. Not in writing, no. C. Apart from Ms. Magone, did you  A. Not in writing, in probationary period is the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the superviso	•		02:28:20PM	6	<ul> <li>A. Deb Gogliettino, vice-president of</li> </ul>
discussion with the employee."  A ves.  Computation, about any recommendation of employment at any time during the probationary period and writing?  A I don't know that.  Q I mode discussed —  Computation and the completion of employment at any time during the probationary period for Ms. Newmark a supervisor of the department head.  Q I'm going probation must be submitted in writing?  A I don't recall the exact date.  A I the recall the exact date.  A I don't recall the exact date.  A I don't recall the exact date.  A I don't recall the exact d			02.26.26PM	7	human resources.
Do you see that?  A. Yes.  C. Do you know whether Ms. Magone, the last week before the probationary period, the ended, had that meeting with her?  A. Well, the probationary period for Ms. Newmark ended, had that meeting with her?  A. Well, the probationary period being extended, it don't know that she did or didn't, but I don't believe that is the scenario that is discussed.  C. I'm asking you.  C. I'm asking you.  C. I'm asking you.  Mnow whether Ms. Magone met with Ms. Newmark a week prior to the original probationary period ending, to discuss her performance?  COMPLITRAN SHORTHAND REPORTING  158  Pat Orsala  A. I don't know that she department had. Q. What did you communicate with Ms. Newmark's employment was terminated?  Ms. Newmark separated employment is torminated?  Ms. Rogilettino?  Ms. Gogilettino?  Ms. Gogi	OS:36:36:30		62.2#3QPM	. 8	Q. Anyone else?
11 A. Yes.  22 Q. Do you know whether Ms. Magone, the original probationary period, the original probationary period for Ms. Newmark ended, had that meeting with her?  23 A. Well, the probationary period being extended, I don't know that she did or didn't, but I don't believe that is the scenario that is discussed.  24 Q. I'm asking you 25 Q. I'm asking you a question: Do you know whether Ms. Magone met with Ms. Newmark a week prior to the original probationary period ending, to discuss her performance?  26 Q. I'm asking you a question: Do you know whether Ms. Magone met with Ms. Newmark a week prior to the original probationary period ending, to discuss her performance?  26 Q. I'm asking you a question: Do you end for Ms. Gogliettino, about any recommendations for the supervisor may recommendation must be submitted in writing to human resources and the department head.  27 In asking you Did Ms. Magone ever submit her recommendation prior to the termination in writing?  28 Q. I'm asking you. Did Ms. Magone ever submit the recommendation prior to the termination in writing?  29 Q. I'm asking you. Did Ms. Magone ever submit the supervisor of the department head.  30 If m going to direct your attention in writing to human resources. I'm asking  31 A. No, but she is the department head.  32 A. This is referencing what the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at th		•	22:25:40PM	9	A. Not that I recall.
A. Yes.  Q. Do you know whether Ms. Magone, the original probationary period for Ms. Newmark employment was terminated?  A. Well, the probationary period being extended, I don't know that she did or didn't, but I don't believe that is the scenario that is discussed.  A. I making you a question: Do you whether Ms. Magone ewith missing to dead the missing to discuss the performance?  A. I making you a question: Do you end whether Ms. Magone met with Ms. Newmark separated employment.  A. I don't know the would have been before the force of the probationary period dending, to discuss her performance?  A. I don't know the time that the cannot be submitted in writing to human resources. I make the probationary period of the same page. It says, "The supervisor may recommendation must be submitted in writing?  A. I don't know thete time that the cannot be submitted in writing to human resources. I make the probationary period. This recommendation must be submitted in writing?  A. No, but she is the department head. Q. I'm asking you: Did Ms. Magone ever submit the supervisor of the department the supervisor of the department the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to	G2:28.30PW 10	Do you see that?	- 02:23/41PM	10	Q. When did you communicate with
13 last week before the probationary period, the original probationary period for Ms. Newmark and the deep that is the scenario that is discussed ———————————————————————————————————	омира 11	A. Yes.	:01:20 s44ma	11	
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served 5 ended, had that meeting with her?  A. Well, the probationary period being extended, I don't know that she did or didn't, but I don't believe that is the scenario that is discussed — 15	<sub>памен</sub> 13	last week before the probationary period, the	02:23:48FM	13	
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same 18 but I don't believe that is the scenario that is discussed — 20 Q. I'm asking you — 21 A. — in the policy. 21 Q. I'm asking you a question: Do you know whether Ms. Magone met with Ms. Newmark a week prior to the original probationary period ending, to discuss her performance? 22 Q. I'm asking you a question: Do you recall doing so in this instance? 23 know whether Ms. Magone met with Ms. Newmark a week prior to the original probationary period ending, to discuss her performance? 24 Language and the same page. It says, "The supervisor may recommendation for employment at any time during the probationary period. This recommendation must be submitted in writing to human resources and the department head. 25 Language and the department head. 26 Language and the department head. 27 Language and the department head. 28 Witting? 38 Witting to human resources and the department head. 39 Language and the department head. 40 Language and the department head. 41 Language and the department head. 42 Language and the department head. 43 Language and the department head. 44 Language and the department head. 45 Language and the department head. 46 Language and the department head. 47 Language and the department head. 48 Language and the department head. 49 Language and the department head. 40 Language and the department head. 41 Language and the department head. 42 Language and the department head. 43 Language and the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisor of the department is sup	0225 <b>479%</b> 16		1		
but I don't believe that is the scenario that is  discussed —  Q. I'm asking you —  A. — in the policy.  Q. I'm asking you a question: Do you  know whether Ms. Magone met with Ms. Newmark a  week prior to the original probationary period ending, to discuss her performance?  COMPU-TRAN SHORTHAND REPORTING  18  Pat Orsala  A. I don't know that.  Q. I'm going to direct your attention to 4.5, of the same page. It says, "the supervisor may recommendation of employment at any time during the probationary period. This recommendation must be submitted in writing?  A. No, but she is the department head. Q. I'm derstand, but this says this recommendation prior to the termination in writing?  A. No, but she is the department head. Q. I'm asking you: Did Ms. Magone the supervisor of the department is supposed to do at the supervisor of the department is supposed to do at the supervisory level.  Q. I'm asking you: Did Ms. Magone to the person who I reported to, who was to to the person who I reported to, who was the mean 19 Ms. Gogilettino, about any recommendations of termination or similar job actions.  Q. Do you recall doing so in this instance?  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  18  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  18  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  18  Ms. Gogilettino, about any recommendations of termination or similar job actions.  Q. Do you recall doing so in this instance?  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  18  Ms. Gogilettino, about any recommendations of termination or similar job actions.  Q. Do you recall doing so in this instance?  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  18  Ms. Gogilettino, about any recommendations of termination or similar job actions.  Q. Do you recall doing so in this instance?  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  18  Ms. Gogilettino, about any recommendations of termination or similar job actions.  Q. Do you recall doing so in this instance?  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  18  Ms. Gogilettino, about any recommendations of termination or sim	02:85:30PM 17				
A. — in the policy.  Q. I'm asking you a question: Do you know whether Ms. Magone met with Ms. Newmark a week prior to the original probationary period ending, to discuss her performance?  COMPU-TRAN SHORTHAND REPORTING  158  A. I don't know that.  Q. I'm going to direct your attention to 4.5, of the same page. It says, "The supervisor may recommendation of employment at any time during the probationary period. This recommendation must be submitted in writing?  Did Ms. Magone ever submit her recommendation must be submitted in writing?  A. No, but she is the department head. Q. I understand, but this says this recommendation must be submitted in writing to human resources. The asking —  A. This is referencing what the supervisor of the department is supposed to do at the supervisory level.  24 A. Not in writing, no.  25 Q. Apart from Ms. Magone, did you  26 do the person who I reported to, who was to to the person who I reported to, who was to to the person who I reported to, who was the tothe person who I reported to, who was the tothe person who I reported to, who was the tothe person who I reported to, who was the tothe person who I reported to, who was the supervisor of the supervisor?  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  168  Pat Orsaia  169  Pat Orsaia  160  Pat Orsaia  160  Pat Orsaia  160  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  168  Pat Orsaia  169  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  169  A. Yes.  COMPU-TRAN SHORTHAND REPORTING  160  A. Yes.  COMPU-	<sub>2350</sub> 18			- •	
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supervisor of the department is supposed to do at the supervisory level.  Q. I'm asking you: Did Ms. Magone submit a request, a recommendation for termination to you prior to Ms. Newmark's termination?  A. Not in writing, no.  Q. Apart from Ms. Magone, did you  Did you communicate with Ms. Gogliettino, that plaintiff, Ms. Newmark, had expressed concern about Ms. Magone's using the word or words, "young" or "younger," in reference to her selection of Nicole Serra?  A. Yes.	7.00pt 17	A. This is referencing what the			fecuse with Me. November 1
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20 Q. I'm asking you: Did Ms. Magone 21 submit a request, a recommendation for 22 termination to you prior to Ms. Newmark's 23 termination? 24 A. Not in writing, no. 25 Q. Apart from Ms. Magone, did you 26 Q. Did you communicate with 27 Ms. Gogliettino, that plaintiff, Ms. Newmark, had 28 expressed concern about Ms. Magone's using the 29 word or words, "young" or "younger," in reference 20 A. Yes.		the supervisory level.			
submit a request, a recommendation for termination to you prior to Ms. Newmark's termination?  21 Ms. Gogliettino, that plaintiff, Ms. Newmark, had expressed concern about Ms. Magone's using the word or words, "young" or "younger," in reference to her selection of Nicole Serra?  22 A. Not in writing, no.  23 A. Yes.					
22 termination to you prior to Ms. Newmark's  23 termination?  24 A. Not in writing, no.  25 Q. Apart from Ms. Magone, did you  26 termination to you prior to Ms. Newmark's  27 expressed concern about Ms. Magone's using the  28 word or words, "young" or "younger," in reference  29 termination to you prior to Ms. Newmark, nad  20 expressed concern about Ms. Magone's using the  20 word or words, "young" or "younger," in reference  21 to her selection of Nicole Serra?  22 A. Yes.	24				year annuallicate frich
23 termination? 24 A. Not in writing, no. 25 Q. Apart from Ms. Magone, did you  26 expressed concern about Ms. Magone's using the word or words, "young" or "younger," in reference to her selection of Nicole Serra?  27 A. Yes.	MARY ZT				
24 A. Not in writing, no.  25 Q. Apart from Ms. Magone, did you  26 A. Not in writing, no.  27 Word or words, "young" or "younger," in reference 28 to her selection of Nicole Serra?  28 A. Yes.		REHIDIDATION TO VOIL DOOF TO ME NAME 13	mm. 25	2	expressed concern about Ms. Magone's using the
25 Q. Apart from Ms. Magone, did you 25 A. Yes.	22				
25 Q. Apart from Ms. Magone, did you 25 A. Yes.	22 72590 23	termination?			
One may be a second of the sec	22 23 23 24 24	termination?  A. Not in writing, no.	12:30 хоты 2	3	word or words, "young" or "younger," In reference
COMPU-TRAN SHORTHAND REPORTING COMPU-TRAN SHORTHAND REPORTING	22	A. Not in writing, no. Q. Apart from Ms. Magone, did you	положени 23 положени 24	3 4.	word or words, "young" or "younger," In reference

		Case 7:07-cv-02861-CS Document	<del>21-6-</del>	Filed 09/02/2008 Page 16 of 63
	1	Pat Orsaia		163 1 Pat Oreaia
02:30-67 PM	2	Q. At this meeting or some other	02°34-06#\i	1 Pat Orsaia 2 unfolded.
EQ.30(1)PM	3	meeting?	DZ JAKONIMA	
42.	4	A. To the best of my recall, I told	02,34500PM	
0.	5	Ms. Gogliettino that prior to this, prior to this		Provided the vittle che details
12:11,02PH	6	separation meeting.	(2.34174PM	
do:streeku	7	Q. You advised Ms. Gogliettino of what	APPER SO	was the was my mily ession that Carole
D2;31:91PM;	8	Ms. Newmark had said prior to the separation	07/34/28PM	and the state of t
02-31:13 PM	9	meeting with Ms. Goglietting?	02:34:35PM	pameare care program. That attrough
825;91; <b>167</b> 94	10	A. Yes.	02:34:30PM	and the state of the word
-p2:31;11PM	11	Q. On how many occasions did you	02:34 MINE 1	sales are the appear to accept Catify's
62:31.11PM	12	communicate on the subject of Carole Newmark to	02:34:809ia 1	
07-31:2 <del>4</del> 7ss	13	Ms. Gogliettino?	02:34:504Mi 1	
02.31.91PM	14	A. Probably three, which would have	62:35:01PM 1	The same of a piece of solite idea
	15	included when I told her about Carole's		mean lought for stift DCI
. przebo odbyk	16	perception of Cathy's use of the word	promiseu 1	- Institute. Spie. Let's
02:31:51PM	17	"young." A second time was when as I just	1 .	40.10 9 0421
.42:31:57 <b>9</b> 0	18	mentioned, when I advised her about Cathy's	1 [	( , total , icia)
02:32:40PM	19	concerns of attendance and performance with	Didesoria 1	PARTITION DI PIO, MICAJ.
62:32:00PM	20	Carole during probation and that we were going to	#201930PM 2	
оканаріі 2	21	separate employment. And then, after Carole's	220 mm 2	The state of the s
R2-32-11PM d	22	exit.	02:39:47mg 2	The state of the s
02/\$2.1 <b>074</b>	23	Q. The first time you communicated with	1020-41PM Z	
02:32:18P4) A	24	Ms. Gogliettino was about Ms. Newmark's concerns;	******** 2	- Trace of all 2 recent
012221PM Z	25	is that right?	G-389194 2	- what case do you recall her saying,
		COMPU-TRAN SHORTHAND REPORTING	oksika 1994 🖘	5 apart from what you have already testified to?  COMPU-TRAN SHORTHAND REPORTING
		162	<u> </u>	
		,		169
	1	Pat Orsala		1 Pat Oreain
07:32:31F9A	1 2	<i>Pat Orsala</i> A. Yes.	1 .	Pat Orsaia
07:32:53 FeA	1 2 3	•	DŽI ŽIDAS ALPAN	1 Pat Orsaia 2 A. That's all I recall her saying.
	1 2 3 4	A. Yes.	02:30:54PM	Pat Orsaia  A. That's all I recall her saying.  Q. Do you know whether she reduced
67.37.30PM	1 2 3 4 5	<ul><li>A. Yes.</li><li>Q. When did that happen?</li></ul>	Džiješapna Pžinstopna Ožilestyva	Pat Orsaia  A. That's all I recall her saying.  Q. Do you know whether she reduced anything you said to her, in writing?
07-37-20PM 07-37-20PM 07-37-20PM	2 3 4	<ul> <li>A. Yes.</li> <li>Q. When did that happen?</li> <li>A. I don't know the exact date.</li> <li>Q. Was this at her office, or did the</li> </ul>	D2:30:54PM PC:30:50PM PC:30:50PM D2:30:50PM D2:30:50PM	Pat Orsaia  A. That's all I recall her saying.  Q. Do you know whether she reduced anything you said to her, in writing?  A. Not to my knowledge.
82.35 369M 07 37 309M 87.32 3899 90 32 32 399M	2 3 4 5	<ul> <li>A. Yes.</li> <li>Q. When did that happen?</li> <li>A. I don't know the exact date.</li> <li>Q. Was this at her office, or did the communication take place in some other manner?</li> </ul>	D2:30-S4PM R2:30-S4PM R2:30-S4PM D2:30-S4PM D2:30-S4PM G2:40-S4PM	Pat Orsaia  A. That's all I recall her saying.  Q. Do you know whether she reduced anything you said to her, in writing?  A. Not to my knowledge.  Q. Going back to the second meeting
02-32-30-64 02-32-30-64 02-32-33-64 02-32-37-64 02-32-37-64	2 3 4 5 6 7	<ul> <li>A. Yes.</li> <li>Q. When did that happen?</li> <li>A. I don't know the exact date.</li> <li>Q. Was this at her office, or did the communication take place in some other manner?</li> </ul>	DA SPASIPAL  DA SP	Pat Orsaia  A. That's all I recall her saying.  Q. Do you know whether she reduced anything you said to her, in writing?  A. Not to my knowledge.  Q. Going back to the second meeting with her, you said you raised it was around
02-32-42/PM 02-32-34/PM 02-32-34/PM 02-32-34/PM	2 3 4 5 6 7	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office.	D2-S0-S4PM P2-SESPP4 O2-SE-SPF4 O2-SE-SPF4 O2-SO-SEP94 O2-SO-SEP94 O2-SO-SEP94 O2-SO-SEP94	Pat Orsaia  A. That's all I recall her saying.  Q. Do you know whether she reduced anything you said to her, in writing?  A. Not to my knowledge.  Q. Going back to the second meeting with her, you said you raised it was around the time of Ms. Newmark's exit; is that right?
02:32:3094 07:32:2094 82:32:3394 02:32:3394 02:32:4094 02:32:4294	2 3 4 5 6 7 8	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office.	02-90-54994 02-90-56994 02-90-56994 02-90-56994 02-90-56994 02-90-56994	Pat Orsaia  A. That's all I recall her saying.  Q. Do you know whether she reduced anything you said to her, in writing?  A. Not to my knowledge.  Q. Going back to the second meeting with her, you said you raised it was around the time of Ms. Newmark's exit; is that right?  A. Prior to her exit discussion.
62.32.3898 07.32.3399 07.32.3399 07.32.3398 07.32.4094 02.32.4094	2 3 4 5 6 7 8 9	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office. Q. What, in words or substance, did you	02:30:549M  12:30:549M  02:30:57M  02:40:57M  02:40:57M  02:40:57M  02:40:57M  02:40:57M  02:40:57M  02:40:57M  03:40:57M	Pat Orsaia  A. That's all I recall her saying.  Q. Do you know whether she reduced anything you said to her, in writing?  A. Not to my knowledge.  Q. Going back to the second meeting with her, you said you raised it was around the time of Ms. Newmark's exit; is that right?  A. Prior to her exit discussion.  Q. What did you say to Ms. Gogliettino?
62.35-3694 07.32-3694 07.32-3694 07.32-3694 07.32-4694 07.32-4694 07.32-4694	2 3 4 5 6 7 8 9	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office. Q. What, in words or substance, did you say to her?	02-90-54994 02-90-56994 02-90-56994 02-90-56994 02-90-56994 02-90-56994	A. That's all I recall her saying. Q. Do you know whether she reduced anything you said to her, in writing? A. Not to my knowledge. Q. Going back to the second meeting with her, you said you raised it was around the time of Ms. Newmark's exit; is that right? A. Prior to her exit discussion. Q. What did you say to Ms. Gogliettino? A. I told her that I had spoken with
62.35.3694 67.35.3694 67.35.3694 67.35.4694 07.35.4694 07.35.4694 07.35.4694 1.57.35.4694	2 3 4 5 6 7 8 9 0 1 2	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office. Q. What, in words or substance, did you say to her? A. I told her that — I told Deb that I was attempting to facilitate a resolution of	02:30:549M  02:30:579M  02:30:579M  02:30:579M  02:40:579M  02:40:579M  02:40:579M  02:40:579M  02:40:579M  03:40:579M  03:40:579M  10:40:579M	A. That's all I recall her saying. Q. Do you know whether she reduced anything you said to her, in writing? A. Not to my knowledge. Q. Going back to the second meeting with her, you said you raised it was around the time of Ms. Newmark's exit; is that right? A. Prior to her exit discussion. Q. What did you say to Ms. Gogliettino? A. I told her that I had spoken with
07.37.2004 07.37.2004 07.32.3376 07.32.3376 07.32.4074 07.32.4074 07.32.4074 17.32.4074	2 3 4 5 6 7 8 9 0 1 2 3	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office. Q. What, in words or substance, did you say to her? A. I told her that — I told Deb that I was attempting to facilitate a resolution of Carole's concern about Cathy's use of the word	02:30:549M  12:30:59M	A. That's all I recall her saying. Q. Do you know whether she reduced anything you said to her, in writing? A. Not to my knowledge. Q. Going back to the second meeting with her, you said you raised it was around the time of Ms. Newmark's exit; is that right? A. Prior to her exit discussion. Q. What did you say to Ms. Gogliettino? A. I told her that I had spoken with Cathy Magone, and Cathy had provided me with the specifics to support her concerns in the areas of
02.32.500M 02.32.300M 02.32.3399 02.32.509M 02.32.609M 02.32.609M 02.32.609M 1 02.32.609M 1 02.32.609M 1 02.32.609M 1	2 3 4 5 6 7 8 9 0 1 2 3 4	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office. Q. What, in words or substance, did you say to her? A. I told her that — I told Deb that I was attempting to facilitate a resolution of	02:00:00 pm 02:00:00 pm 02:00 pm 02	A. That's all I recall her saying. Q. Do you know whether she reduced anything you said to her, in writing? A. Not to my knowledge. Q. Going back to the second meeting with her, you said you raised it was around the time of Ms. Newmark's exit; is that right? A. Prior to her exit discussion. Q. What did you say to Ms. Gogliettino? A. I told her that I had spoken with Cathy Magone, and Cathy had provided me with the specifics to support her concerns in the areas of attendance and performance for Carole Newmark,
62.32.3644 62.32.3644 62.32.3644 62.32.3644 62.32.4644 62.32.4644 62.32.4644 1.02.32.4644 62.32.3644 1.02	2 3 4 5 6 7 8 9 0 1 2 3 4 5	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office. Q. What, in words or substance, did you say to her? A. I told her that — I told Deb that I was attempting to facilitate a resolution of Carole's concern about Cathy's use of the word "young" in relation to Carole not being assigned	02-20-24-24  02-22-24-24-24-24-24-24-24-24-24-24-24-24	A. That's all I recall her saying. Q. Do you know whether she reduced anything you said to her, in writing? A. Not to my knowledge. Q. Going back to the second meeting with her, you said you raised — it was around the time of Ms. Newmark's exit; is that right? A. Prior to her exit discussion. Q. What did you say to Ms. Gogliettino? A. I told her that I had spoken with Cathy Magone, and Cathy had provided me with the specifics to support her concerns in the areas of attendance and performance for Carole Newmark, that Carole was still in her extended
07.32.0004 07.32.0004 07.32.32.00 07.32.32.00 07.32.4004 07.32.4004 07.32.4004 07.32.4004 11.02.4004 12.02.4004 13.02.4004 14.02.4004 15.02.4004 16.0	2 3 4 5 6 7 8 9 0 1 2 3 4 5 6	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office. Q. What, in words or substance, did you say to her? A. I told her that — I told Deb that I was attempting to facilitate a resolution of Carole's concern about Cathy's use of the word "young" in relation to Carole not being assigned to the palliative-care project.	02-90-90-90 02-90-90 02-90 02-	A. That's all I recall her saying. Q. Do you know whether she reduced anything you said to her, in writing? A. Not to my knowledge. Q. Going back to the second meeting with her, you said you raised it was around the time of Ms. Newmark's exit; is that right? A. Prior to her exit discussion. Q. What did you say to Ms. Gogliettino? A. I told her that I had spoken with Cathy Magone, and Cathy had provided me with the specifics to support her concerns in the areas of attendance and performance for Carole Newmark, that Carole was still in her extended probationary period, and that the decision was to
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07.37.20044  07.37.20044  07.37.20044  07.37.20044  07.37.20044  07.37.20044  11.02.37.20044  12.02.37.20044  13.02.37.20044  14.02.37.20044  15.02.37.20044  16.02.37.20044  17.02.37.20044  18.02.37.20044  18.02.37.20044  18.02.37.20044  19.02.37.20044  19.02.37.20044  19.02.37.20044  19.02.37.20044  19.02.37.20044  19.02.37.20044  20.02.37.20044	2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A. Yes. Q. When did that happen? A. I don't know the exact date. Q. Was this at her office, or did the communication take place in some other manner? A. To the best of my recall, it was in her office. Q. What, in words or substance, did you say to her? A. I told her that — I told Deb that I was attempting to facilitate a resolution of Carole's concern about Cathy's use of the word "young" in relation to Carole not being assigned to the palliative-care project. Q. When did you communicate this to Ms. Gogliettino? Was it before or after the September 28th meeting? A. To the best of my recall, it was before. Q. What was Ms. Gogliettino's response, if any? A. She asked me the specifics: What was Carole's perception? What was Cathy's response? Sort of, you know, how the events had COMPU-TRAN SHORTHAND REPORTING	02:30:30 Miles 02:30:30 Miles 02:30:30 Miles 02:40:30 Miles 02:40:40 Miles 02:40 Mil	A. That's all I recall her saying. Q. Do you know whether she reduced anything you said to her, in writing? A. Not to my knowledge. Q. Going back to the second meeting with her, you said you raised — it was around the time of Ms. Newmark's exit; is that right? A. Prior to her exit discussion. Q. What did you say to Ms. Gogliettino? A. I told her that I had spoken with Cathy Magone, and Cathy had provided me with the specifics to support her concerns in the areas of attendance and performance for Carole Newmark, that Carole was still in her extended probationary period, and that the decision was to separate her from employment.  And I probably told her the date and time of the meeting. Q. You indicated also that — withdrawn.  Did she say anything to you at this meeting?

	Case 7:07-cv-02861-CS Document	21-6	Filed 09/02/2008 Page 17 of 63
	Pat Orsaia	1 .	167
com item			
dzatizoPM	the first one you testified to and the second		- The second sector, as her lief
p~ 4	one?		
· .	A. Approximately, two to four weeks. I	02-01/01/04 A	To the best of my recall, I stated
102:42:05PM <b>6</b>		рамент С	to Deb that it was our intention to pay out
massin 7	·	озителя 6 придова 7	the bank
92-41.54PM <b>8</b>			and the same told, even though we well
32-45'02'PM <b>S</b>			
		40	•
22-42:13PM 11		Statement 10	An I was come fail
	·	க்கங்க 12	and the any accided pay little off
<sub>парат</sub> 13	the state of the s	2022 13	
14 may 14		,,,,,	as the man and the massas those accides with
05:4220mm 1.5		14 mirsim 14	
<sub>க்கண்</sub> 16	_	824734PM 15	y teriors it one tree paid to; any
17 miganesi	I either told her that Carole was going to relay	иялия 16 47	, , _ ,
B2:42:40% 18		950/38M 17	The same in the same.
19 margin	or that she already had relayed her decision to	∞.o.ssw 18	The state of the s
DESESSES. 20	me. I told Ms. Gogliettino that Cathy had	19	y == == manage man anyone case concerning
12:03:01 21	contacted me to say that Carole's final words to	100.47740PM 20	The state of the s
22 manuary 22	Ms. Magone upon her exit were inappropriate and	<sub>пастыры</sub> 21	Lawrence?
миня 23	involved profanity, and that I had asked Cathy to	±45€ 22	
поми 24	put that in an e-mail.	metalina 23	The past continuence with pill Real
25	I told Deb it may have been the	™inoni 24	and the state of t
With the	COMPU-TRAN SHORTHAND REPORTING	<sub>22:44</sub> 25	A. Yes.
- —		<del> </del>	COMPU-TRAN SHORTHAND REPORTING
1	166 Pat Orsaia	1	168
<b>2</b>	second time I spoke with her, regarding Carole's	g::i::1784 2	Q. Without getting into the substance
лементы З	attendance and performance and the decision to		Q. Without getting into the substance of any communications with Mr. Keil, when did you
<sub>повет</sub> 4	have her exit it may have been at that	12:41:50 4	first communicate with him concerning Carole
172-43-809-is 5	meeting that I told Deb, that Cathy had again	42:41:19Hu 5	Newmark?
17:40 SIPM 6	attempted to help Carole understand her use of	27 44 20/7h 6	A. I don't recall exactly.
22:44:33Pin 7	the word "young" and that it had not played any	02-04-52-94 7	Q. Was this before or after September
62:4497PM 8	part in her decision about the project	02:48:30PM B	28th?
<sub>шентон</sub> 9	assignments, that no one's age played a part in	DE: NEL SOUTH 9	A. It would have been after Carole
вения 10	it. I gave Deb that information.	gan 10	separated.
67:94.38PM 11	Q. Apart from what you have already	11 the street 11	Q. Was that in connection with the EEOC
<sub>меже</sub> 12	testified, did you or she say anything else at	-2:41.40°M 12	charge?
tzánim 13	the third meeting with Ms. Gogliettino?	<sub>шили</sub> 13	A. Yes.
пиятине 14	A. Yes. I told Deb that we, in human	D2:18:18P44 14	Q. Apart from Mr. Keil, anyone else you
<sub>™#27*4</sub> 15	resources, had a heightened sensitivity to the	15-mailten 15	communicated with concerning Carole Newmark?
<sub>1236</sub> 2444 16	fact that Carole had now been exited and that her	16 11 11 11 11 11 11 11 11 11 11 11 11 1	A. Not that I recall,
PZ 65309M 17	daughter Janice was still an employee at Lawrence	wassa 17	Q. As you sit here today, are there any
18 www.	Hospital Center; and that Janice, in the course	maxis 18	changes or things you want to supplement to your
###37PW 19	of her work, would come into the human resources	.02:41:379u 19	previous testimony?
13.454PM 20	department almost daily. And we just wanted to	20	A. No.
<del>≅⊚⊚</del> 21	be sensitive to that fact and, you know, careful	<sub>якани</sub> 21.	MS. NICAJ: I think I'm about
22	about making sure that Carole Newmark's situation	∞=u= 22	done. Just give me one moment.
23	was held in confidence when her daughter	23	(Pause in the record)
24 m	attempted to discuss it.		Thank you. I have nothing further.
±±±₩ 25	I told Deb that I was sending Carole	25	(Time noted: 2:50 p.m.)
	COMPU-TRAN SHORTHAND REPORTING		COMPU-TRAN SHORTHAND REPORTING
3/19/2008	09:48:33 AM		- THE STATE OF THE PARTY OF THE

	Case 7.07-cv-02661-CS Document	2 1-0 Filed 09/02/2006 Page 16-01-03
	1	1 2 ***INDEX***
:	2 STATE OF NEW YORK }	3
4	3 ) 55:	A PAGE# LINE#
	4 COUNTY OF WESTCHESTER )	<b>.</b>
	5	6 EXAMINATION BY:
6	<b>3</b>	6 MS. NICAJ 4 10
7	I, PAT ORSAIA, the witness berein,	7
ε		8 DOCUMENT/DATA REQUESTED:
9		9 NONE
10		10
11		11 PLAINTIFF'S EXHIBITS:
12		
13		12 24 - E-mail exchange between Pat Orsala and
14		13 Carole Newmark 57 11
		14.
15		25 - 10/5/06 e-mail from 15 Cathy Magone to
16		Pat Orsala 144 20
17		17
18		DEFENDANT'S EXHIBITS:
19	INI CHOMIN	NONE 19
20		
21	Silve Silve Silve to be ble till 6	20 RULINGS CONTEMPLATED:
22		21 NONE
23		22
24	<del></del> _	23
25		24
	COMPU-TRAN SHORTHAND REPORTING	25 COMPU-TRAN SHORTHAND REPORTING
1	170	172
2	STATE OF NEW YORK )	1
3	) 95:	2 CORRECTION SHEET
4	COUNTY OF WESTCHESTER )	3
5	·	4 Re: Carole Newmark -v- Lawrence Hospital, et al
,6		5
7	I, Lisa Regen, Notary Public within	6 The following corrections, additions
.9	and for the State of New York, do hereby certify:	7 or deletions were noted on the transcript of
10	Leituš:	8 the testimony which I gave in the above-
11	That I reported the proceedings in the	9 captioned matter, held on March 3, 2008.
12	within entitled matter, and that the within	10
13	transcript is a true record of said proceedings.	11 PAGE(S) LINE(S) SHOULD READ
14		12*
15 16	I further certify that I am not	13*
17	highly marriage and these to the action by	14
18	blood or marriage, and that I am in no way interested in the outcome of this matter.	15**
19	matter.	16**
20	IN WITNESS WHEREOF, I have hereunts	17••
21	set my Hand this day of, 2008.	18**
22	·	19
-02		20
23		21
24	ITCA BECEN	22 FAT ORSAIA
	LISA REGEN, NOTARY PUBLIC	23 Subscribed and sworn to before me
25	WOTART FUBLIC	24 thisday of 2008.
		25
	COMPU-TRAN SHORTHAND REPORTING	COMPU-TRAN SHORTHAND REPORTING
58 shee		

**EXHIBIT 26** 

Page 1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

----X

CAROLE NEWMARK,

Plaintiff.

-against-

INDEX NO. 07-CIV-2861 (CLB)

LAWRENCE HOSPITAL CENTER AND PAT ORSAIA.

----x

Defendants.

222 Bloomingdale Road White Plains, New York March 18, 2008 9:59 a.m.

EXAMINATION BEFORE TRIAL of NICOLE A. SERRA, a witness testifying on behalf of the Defendant, LAWRENCE HOSPITAL CENTER in the above-captioned matter, held at the above time and place, before a Notary Public of the State of New York.

Lisa M. Rosso, Shorthand Reporter

		Page 2	<u> </u>
2	APPEARANCES:		Page × 2 221. UNIFORM RIJLES FOR THE
3	ATTEARANCES,	1	2 221. UNIFORM RULES FOR THE CONDUCT OF DEPOSITIONS
_	LOVETT & GOULD, LLP	1	3 221.3 Communication with the deponent.
			An attorney shall not interrupt the deposition
e.	Attorneys for Plaintiff		for the purpose of communicating with the deponent unless all parties consent or the communication is
5	222 Bloomingdale Road	į <u>s</u>	made for the purpose of determining whether the
٠.	White Plains, New York 10605		question should not be answered on the grounds set
6	BY: DRITA NICAJ, ESQ.		forth in section 221.2 of these rules and, in such event, the reason for the communication shall be
7		7	stated for the record succinctly and clearly
8		1 6	TO TO THE OWN OF THE PARTY AND MORDED UM
9	COLLAZO, CARLING & MISH, LLP	1	the transcript may be signed before any Notary.  Public with the same force and effect as if signed
	Attorneys for Defendants	i 1	before a clerk or a Judge of the court
l O	747 Third Avenue	110	
	New York, New York 10017	11	IT IS FURTHER STIPULATED AND AGREED that the Examination Before Trial may be utilized for all
L 1,	BY: JOHN P. KEIL, ESQ.		purposes as provided by the CPLR.
L2		12	
L,3		13	
L 4		: 	cannot be deemed waived and the appropriate sections
L <b>5</b> ,		114 ;	for the CPLR shall be controlling with respect hereto.
.6		15	
.7			IT IS FURTHER STIPULATED AND AGREED by
8.	ALSO PRESENT:	16	and between the attorneys for the respective parties hereto that a copy of this examination shall be
.9	CAROLE NEWMARK	, <b>17</b>	furnished, without charge, to the attorneys
0		<b>!</b>	representing the witness testifying herem.
1	oOò	18   19	
22		20	
3		21	
4		22	
:5		24	
		Page 3	
2	221: UNIFORM RULES FOR THE	2	Page 5
3	CONDUCT OF DEPOSITIONS 221.1		NICOLE A. SERRA,
	221.1 Objections at Depositions.	3	having been duly sworn by Lisa M. Rosso,
4	(a) Objections in general: No objections shall be made at a deposition except those which,	4	a Notary Public within and for the State
5	pursuant to subdivision (b), (c), or (d) of Rule	<sup>'</sup> 5	of New York, was examined and testified
6.	3115 of the Civil Practice Law and Rules, would be waived if not interposed, and except in compliance	. 6	as follows:
<b>→</b>	with subdivision (c) of such rule. All objections	7	000
7	made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer	'	000
9		l range	
	shall be given and the deposition shall proceed	8:	
9	subject to the objections and to the right of a	18:   19:	EXAMINATION BY MS. NICAJ:
	subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.	1	•
	subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.  (b) Speaking objections restricted. Every	· 9.	Q. Please state your name and address for
I Ø.	subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.  (b) Speaking objections restricted. Every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer.	10 11	<ul> <li>Q. Please state your name and address for the record.</li> </ul>
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1 NICOLE A. SERRA 2 question read back, let me know; okay? A. Okay. 4 Official and several through the series of the several through through the several through through the several through through through through the several through the several through throu		Page		Page	8
A. Okay.  A. Okay.  A. Okay.  A. Uh-huh.  That is, any questions that have not been fully responded to. Answer the question, then you can take your break; okay?  A. Okay.  B. Gecause I had all of the criteria, I didn't have to re-take a second test. So I filled out paperwork, and that was submitted, and I received my updated license.  A. Carole and I worked together previously. I was at Phelps Memorial Hospital Center in Sleep Hollow. Carole came there about a were friends at work, and she was looking, at some point, for another job. She told me about her new than to make the politic for another job. She told me about her new than to make the politic for another job. She told me about her new than to make the politic for another job. She told me about her new than to make the politic for another job. She told me about her new than the politic for another job. She told me about her new than the politic f		NICOLE A. SERRA	1		
seemed clinical social worker.  That is, any questions that have not been fully responded to. Answer the question, then you can take your break.  A. Uh-huh.  That is, any questions that have not been fully responded to. Answer the question, then you can take your break, ckay.  A. Okay.  A. Okay.  Q. If at any time during the course of your deposition you want to add, change, or otherwise supplement a previous response, let me show. If the show to do that.  A. Okay.  Q. If at any time during the course of your deposition you want to add, change, or otherwise supplement a previous response, let me show. If the show is understand?  A. Okay.  Q. If at any time during the course of your deposition you want to add, change, or otherwise supplement a previous response, let me show. If the show is understand?  A. Okay.  Q. Is there anything that I have said so do that.  In each of working at Lawrence Hospital. So I would say probably two-and-a-half, two and three quarter years ago. My initial license was October of the license was October of the surface of the license of the lic	2	question read back, let me know; okay?	1		
Q. If at any time you want to take a break, what I would ask you to do first, you can take your break — A. Uh-huh. C. — but answer any pending questions. That is, any questions that have not been fully responded to. Answer the question, then you can take your break; okay? A. Okay. Q. If there is anything that you don't understand, let me know. A. Okay. C. If at any time during the course of your deposition you want to add, change, or otherwise supplement a previous response, let me know; I will be happy to give you an opportunity to do that. C. Is there anything that I have said so a far that you do not understand? A. No. C. Okay. D. Okay. In addition, from time to time.  Page 7 NICOLE A. SERRA given the nature of the deposition, I may be asking the question, and you may think you know what I'm about to ask you; what I would ask you to do, though, is wait for me to finish and then you can respond; okay? A. Okay. Q. One, sometimes I ask a totally different question from the one that you believe I was going to ask. And, two, the court reporter earn take us both talking at once; okay? A. Ore, you employed? A. Sure. Q. Are you employed? A. Lawrence Hospital Center. Q. Por how long? A. It will be two years on April 24, I. think is the exact date. Q. In what capacity? A. No. Q. What syour educational background? A. Ves, I am. A. No. Q. What syour educational background? A. Ves, I am. A. No. Q. What's your educational background? A. Yes, I am. A. No. Q. What's your educational background? A. Yes, I am. A. No. Q. What's your educational background? A. Yes, I am. A. No. Q. What's your educational background? A. Yes, I am. A. No. Q. What's your educational background? A. Yes, I am social worker there. Q. Hat's your educational background? A. Yes, I'm a social worker there the your can are proposition you can the course of the deposition your defined the proposition your defined the deposition of t		A. Okay.	. 3	licensed clinical social worker	
break, what I would ask you to do first, you can take your break.  A. Uh-huh.  O. — but answer any pending questions. That is, any questions that have not been fully responded to. Answer the question, then you can take your break; okay.  A. Okay.  O. If there is anything that you don't understand, let me know.  A. Okay.  O. If at any time during the course of your deposition you want to add, change, or of otherwise supplement a previous response, let me know; lwill be happy to give you an opportunity to do that.  A. Okay.  O. Is there anything that I have said so farthat you do not understand?  A. No.  D. What wor the circumstances in which you can frust you do not understand?  A. No.  No.  No.  No.  A. Okay.  O. Okay. In addition, from time to time.  Page 7  NICOLE A. SERRA given the nature of the deposition, I may be asking the question, and you may think you know what I'm about to ask you; what I would ask you to do, though, is wait for me to finish and then you can respond; okay?  A. Okay.  O. One, sometimes I ask a totally different question from the one that you believe I was going to ask. And, two, the court reporter can't take us both talking at once; okay?  A. Yes, I am.  A. Yes, I am.  A. Yes, I am.  A. War you employed?  A. Yes, I am.  A. It. I waited a second test. So I filled ovor retarin, I was grandfathered into the licensed clinical social workling at Lawrence Hospital Center in Steepy Hollow.  Co. What wor the circumstances in which you can to be hired at Lawrence?  A. Carole and I worked together proviously. I was at Phelps Memorial Hospital Center in Sleepy Hollow. Carole came there about a point in the circumstances in which you don't was going to ask. And, two, the court reporter can't take us both talking at once; okay?  A. Yes, I am.  A. Yes you employed?  A. A. Yes,		Q. If at any time you want to take a	4		
A. Okay.  Q. Is there is anything that ourse of your deposition you want to add, change, or otherwise supplement a previous response, let me know.  A. Okay.  Q. Is there anything that I have said so G. Is there anything that I have said so Q. Okay. In addition, from time to time,  Page 7  A. No.  NCOLE A. SERRA given the nature of the deposition, I may be asking the question, and you may think you know what I'm about to ask you, what towal dask you to do, though, is waif for me to finish and then you can respond; okay?  A. Okay.  Q. One, cometimes I ask a totally different question from the one that you believe I was going to ask. And, two, the court reporter can't take us both talking at once; okay?  A. Yes, I am.  A. Yes, I am.  I meet to think.  Q. Drhat's okay.  A. Because I'm not exactly certain. I was grandfathered into in the licensed clinical social worker prior to working at Lawrence Hospital, So I would say probably two-and-a-half, two and three-question from the course of your deposition, you want to add, change, or otherwise supplement a previous response, let me know.  A. Okay.  Q. Is there is anything that our one proportunity to do that.  20 Q. Is there anything that I have said so G. Is there anything that I have said so G. Okay. In addition, from time to time,  Page 7  A. Okay.  Page 9  NICCLE A. SERRA given the nature of the deposition, I may be asking the question, and you may think you know what I'm about to ask you, what I would ask you to do, though, is waif for me to finish and then you can respond; okay?  A. Okay.  A		break, what I would ask you to do first, you can	5	A. Let's see, initially, my license was	
A. Uh-hub.  8 Q. — but answer any pending questions.  9 That is, any questions that have not been fully responded to. Answer the question, then you can take your break; okay.  12 A. Okay.  13 Q. If there is anything that you don't understand, let me know.  14 A. Okay.  15 Q. If at any time during the course of your deposition you want to add, change, or otherwise supplement a previous response, let me know; I will be happy to give you an opportunity to do that.  15 A. Okay.  16 Q. Is there anything that I have said so far that you do not understand?  17 A. Okay.  18 A. Okay.  19 Q. Is there anything that I have said so far that you do not understand?  19 A. No.  20 Okay: In addition, from time to time,  21 A. Okay.  22 Q. Is there anything that I have said so far that you do not understand?  23 Far that you do not understand?  24 A. No.  25 NICOLE A. SERRA 2 given the nature of the deposition, I may be asking the question, and you may think you know what I'm about to ask you; what I would ask you to do, though, is waif for me to finish and then you can respond; okay?  14 A. Sure.  25 Q. Okay.  16 A. Sure.  26 Q. Okay.  17 A. Okay.  27 A. Okay.  28 Q. One, sometimes I ask a totally different question from the one that you believe I was going to ask. And, two, the court reporter can take us both talking at once; okay?  14 A. Yes, I am.  15 A. Lieft. I waited a couple of days.  16 A. Lawrence Hospital Center.  17 Q. Por how long?  18 A. Hwill be two years on April 24, I  19 think is the exact date.  20 Q. What's your educational background?  21 A. No.  22 Q. What's your educational background?  22 A. Okay.  23 A. Clay.  24 A. No.  25 O. A rey ou employed?  25 A. Lawrence Hospital Center.  26 Por how long?  27 A. Lieft. I waited a couple of days.  28 Carole was helpful in actilitating kind of call-back for me, and they offered me the position.  29 Q. And after you were interviewed, then what her and I were friends at work, and she was looking, at some position, that she was looking at Lawrence Hospital Center.  29			- 6	I need to think.	
S That is, any questions that have not been fully responded to. Answer the question, then you can take your break; okay?  A. Okay.  O. If there is anything that you don't understand, let me know.  A. Okay.  O. If any time during the course of your deposition you want to add, change, or otherwise supplement a previous response, let me know. I will be happy to give you an opportunity to do that.  A. Okay.  O. Is there anything that I have said so far that you do not understand?  A. No.  No.  Nicole A. Serra  Nico	7		7		
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A. No.  Q. What's your educational background?  A. Yes, I'm sorry.	22	- <u> </u>			
Q. What's your educational background? 24 A. Yes, I'm sorry.		A. No.			
A Thomas and I I a second a second as a se		Q. What's your educational background?		1.5	
	5	A. I have a master's degree in social	25		

	Page 1	.0 :	Page 1
1	NICOLE A. SERRA	1	NICOLE A. SERRA
2	A. Yes.	2	the majority of the cases, and we get called in for
	Q. What did you understand that to mean as	3	more specific types of situations, social issues.
l #	compared to what you were doing at Phelps?	4	You know, like I said, homeless patients,
5	A. Well, Phelps is psychotherapy. They do	.5	psychiatric patients, and if there is difficulty
6	mental health counseling in an outpatient clinic	.5	within the case or the discharge plan because of a
7	setting with psychiatrists and other social workers.	7	safety issue at home or whatever.
8	And at Lawrence Hospital, we do discharge planning	8	<li>Q. Did there come a time that there was a</li>
9	mainly and deal with, basically, any and all social	9	patient that was due to be discharged, while Ms.
то	issues that could come up, whether it be someone is	10	Newmark was employed there, that was homeless?
11	homeless, someone needs money, someone has problems	11	A. I can't speak specifically. But yes, I
12	at home. So you are giving small doses of	1.2	know that there — we deal with several, many
13	supportive counseling to people, but you're not	1.3	homeless patients.
14	developing a longstanding relationship. Where at	14	Q. Was there ever a time that there was a
15	Phelps, I would have clients for three, four years.	15	proposal to discharge the homeless patient to a
16	Here, when they're in there for their stay at the	16	supermarket parking lot?
17	hospital, they get discharged, and sometimes you	17	A. I don't recall that.
18	have connection with them for a follow-up or	18	<ul> <li>Q. Do you recall having any communications</li> </ul>
19	community referral.	19	with Ms. Newmark in which there was discussion that
20	Q. How long had Ms. Newmark been employed	20	Cathy Magone wanted a homeless person discharged to
21	prior to your start date of April 24th, 2006?	21	a supermarket?
22	A. About one month. She had gone in	22	A. No, I don't recall that.
23	March. I think it was the middle to the end of	23	Q. Are there any documents that you can
24	March. We're about a month apart.	24	use to refresh your recollection?

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Page 12

#### NICOLE A. SERRA 1 2 receive any training? A. I caught unofficial training. What I 3 4 feel, that Carole did the best that she could do to 5

And when you were hired, did you

train me with the resources that she was provided with.

Q. What do you mean by that?

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A. Meaning that I understood, in conversation, with Carole, between her and I, that there was supposed to be a social worker there to that she would be shadowing. Someone that she had known professionally previously. When Carole had come there, I don't believe that she was there. And she was kind of learning a lot of stuff, you know, by experience, more or less. I know she had previous hospital experience, but that was ten, eleven years before that, and that model has changed. It used to be social-work model, now it's more a case-management-driven department.

Q. What do you understand that to mean as opposed to a social-work model?

 A. With social-work model, it was — you had several social workers covering, doing the discharge planning primarily on all of the cases. Now, it's more specified cases. Managers deal with

## NICOLE A. SERRA

That I have on myself?

Q. No, not necessarily on yourself. Is there anything that you can think of that would refresh your recollection, whether it's here or whether it would be in your notes at the hospital, or anywhere else?

A. There might be. Was it a patient of mine?

I'm asking.

A. Okay.

Q. As you sit here today, can you recall anything that would refresh your memory?

A. No.

Q. Okay.

A. I don't.

Q. Did you have an understanding what your job as a social worker in the case management system would be?

A. It always was changing. There was never a - it was supposed to be one thing at times. At other times it was other things. It was - we had lots of difficulty establishing social-work position within a department. We actually had sat down, Carole and I, at some point with our boss with a document for social work that was supposed to be

	Page I	L4	Page 1
1	NICOLE A. SERRA	1	NICOLE A. SERRA
2	kind of revised to reflect what it is, in fact, we	2	who?
,	were supposed to be doing.	. 3	A. Case management.
14	Q. And did that occur?	4	Q. Okay. Apart from you, Ms. Newmark and
5	A. Yes, it did.	5.	Cathy Magone, were there any case managers at the
6	Q. Okay. What document are you talking	6	meeting?
17	about?	7	A. No, not that I recall, no.
8	A. It's it was a document for basically	8	Q. Was there anything in writing as to
9	like your job description as social worker.	9	what the nature of your responsibilities as a social
μo	Q. And your boss was who?	10	worker would be as compared to the case managers?
11	A. Cathy Magone.	11	A. I'm not sure what you're asking.
12	Q. And what — you said this was at a	12	Q. Was there anything in writing
13	meeting —	13	concerning what your job function would be in the
14	A. Uh-huh.	14	case management model?
15	Q with her? Is that a yes?	15	A. That's what this list was that I was
16	A. Yes, yes.	16	talking to you about.
17	Q. And what was said during this meeting?	17	Q. What about with respect to what the job
18	A. I don't recall the content of the	18	responsibilities would be for the case managers and
19	meeting. I know the meeting was generally about	19	the other staff in the case management model?
20	reviewing the documents, seeing how we felt about	20	A. That wasn't really brought into our
21	what was in the document. And if, you know, we felt	21	meeting, because it was more specific about what we
53	it was appropriate or not appropriate.	22	were to be doing with those cases.
23	Q. And what response, if any, did you or	23	Q. When did this meeting take place?
24	Ms. Newmark have?	24	A. I don't recall. It was before
25	A. We felt it was appropriate.	25	Carole was not there. So it was within the time
I	Page 1	 5 ∣	Page 1
1	NICOLE A. SERRA	 ! <b>1</b>	NICOLE A. SERRA
2	Q. What was the document - withdrawn.	: 2	between March and October of '06.
3	What did the document contain specifically, if you	; <b>2</b> -	Q. Who currently supervises you?
4	recall?	4	A. Cathy Magone.
5	A. Different types of, like, overheads	. 5	O. Okay.
€	about if there is a patient with psychiatric	- 6	C
7	illness, or if their need was to be transferred to	7	A. And Laurie Bachman. Q. Laurie Bachman is who?
8	another facility, talking about – just the	8	
9	different types of patients that would be labeled as	9	
10	social-work cases versus the typical patient that	10	has been at the hospital for a very long time. And
11	comes in that will need a short-term rehab, or will	11	she's within I don't want to, I don't know
12	need to have home-care services. Generally, we	12	exactly how many months she has been doing this, she
13	would not deal with those unless there was a social	13	moved into the position that Diane Lantz used to
14	issue. But oftentimes we would get into situations	14 14	occupy, which is like director under my boss.
15	with our case managers about what they were supposed	15	Basically, the person that is dealing with what is
16	to be doing, what we were supposed to be doing,	16	going on in our department and issues. So Cathy is
17	whose case it actually was, and that is what drove	17	not as involved as she was when Laurie was not there.
1	this meeting. Because there was a lot of confusion,	18	
E I	I don't think on my boss's part, but more or less in	19 19	Q. Are there any other social workers employed there?
1	hope a bier of ber min c of 1639 III	- 1	
19	our departments, about who was supposed to be doing	カカ	
19. 20	our departments, about who was supposed to be doing what.	20	A. No. I'm the only licensed clinical
19 20 21	what.	21	social worker. So when you ask me about
19 20 21	What.  Q. When you say your boss's part, who is	21 22	social worker. So when you ask me about supervisions, I'm not really being supervised by
18 19 20 21 22	what.	21	social worker. So when you ask me about

	Page		The same of the sa
1			Page 20
2		! 1	THE STATE OF THE S
' -	Q. Are there any per diem social workers	2	2 200,0
+4	employed?	4	1 2 63,
5	• •	5	Q. In most supercity :
6	somebody that was per diem for about two weeks, I	6	the sucration and the sucration of the
7	guess, in helping the transition with me coming and	7	and a social worker. She has a
8	Carole trying to help me, but that was the last of	8	
9	that situation.	. 9	Q. And the cases get referred to both you and her?
10	Q. How did your job responsibilities	10	
11	change from the time Ms. Newmark was employed to the	11	A. Right. When she came, I gave — I was I asked, you know, how we can divvy it up,
12	present?	12	because there was certain floors or units that I
ĹЗ	A. From when she had left employment?	13	preferred to cover. So I specifically asked for her
14	Q. Yes.	14	to take the fourth floor, which is postpartum, the
15	A. It just became a lot more. I was alone	15	NIC-U, maternity and labor and delivery. So she
16	for almost seven months, covering the entire	16	gets all the consults that come from that floor.
17	hospital.	17	She also takes consults on one of the wings on Five
18	Q. How did you receive your assignments?	18.	South, which is med/surge. A lot of people that
19	A. How do I receive my assignments?	19	have hip replacements go onto that floor. And she
20	Q. How did you receive your assignments	20	will cover half of Six North. There is like two
21	when Ms. Newmark was employed at the hospital?	21	sides of the hallway. So she will take the higher
22	A. There is two ways to receive an	22	side, I take the lower side, in terms of room
23.	assignment. One of them is - actually, there is	23	number.
24	more than two ways, there is three ways. A doctor	24	Q. Are there any things that she is unable
25	can verbally ask you, you know, Can you see my	25	to do in her capacity?
•	Page 1	9	Page 21
1	NICOLE A. SERRA	l	NICOLE A. SERRA
2	patient, I have some concerns about social issues?	. 2	-
3	Kind of not the proper way, which is to put an order	3	1 June 11
4	in the computer for social-work consult; those get	4	not trained as a social worker. And I see things that, you know, are difficult for her. One of the
5	faxed over to my office at this point. When Carole	5	main issues I see is her establishing boundaries
б	was there, we did not have a fax. So now our office	6	with families. You deal with a lot of stress in
7	secretary will fax them over to my office, and they	7	difficult situations, death of patients, people that
8	get divvied out between myself and the other person	8	are in the critical care unit for a long time. And
9	that is now working there, or case management will	19.	a lot of the times, I know it's hard for her to
LO	make referrals. They will look at cases, and they	10	manage keeping boundaries with families in terms of
11	will decide that there is some particular reason	11	times that she is spending, things she is doing for
12	why – well, they should be deciding on some	12	the patients.
L3	particular reason why, but they will call us in to	13	Q. Getting back to when Ms. Newmark was
4	help on a case, or take the case, or however you	14	employed there
.5	want to look at it.	15	A. Uh-huh.
6	Q. You said that cases currently get	16	Q. Actually prior, did there come a
.7	divvied up between you and the other person.	17	time — did she communicate to you prior to her
8	A. Right.	18	actual working at Lawrence that she was very
9:	Q. Who's the other person that you're	19	interested in the position?
0	referring to?	20	A. Did Carole ask me —
1	A. Elaine Tolentino is a new person that	21	Q. Yes.
2	came to work for me. She was there a year in	22	A tell me that she was interested in
	January.	23.	getting the position at Lawrence Hospital?
4	Q. So she started when; in 2007?	24	Q. Yes.
5	A. She started in yes.	25	A. Yes.
		<u> </u>	A. TANDO

#### Page 22 Page 24 1 NICOLE A. SERRA 1 NICOLE A. SERRA 2 Q. Did she tell you why? 2 that's for patients, you know, there is kind of like A. I think it was something that would 3 a little flow sheet that we can look at, some be - I can't recall specifically what she had said, 4 4 medical terminology that would refer someone to 5 why it would be, but I know that it would put her in 5 palliative care. Oftentimes, people associate it a better position as a supervisory position. I know 6 6 with end-of-life or terminal care, which oftentimes 7. the salary was better. So those are the things that 7 it is. But it's also for patients that have, like, 8 I can recall specifically. 8 MS, longstanding illnesses, helping to deal with 9 Q. Do you recall her mentioning anything 9 their pain management, comfort, it encompasses μ0 to you about the formation of palliative care unit ΙÓ everything, almost from a psycho-social aspect of 11 being formed at the hospital? 11 all of the different, you know, types of situations μ2 A. I do. 12 that would be going on in that patient's life. And 13 Q. Do you recall whether she expressed an 13 palliative care is utilized to help coordinate and 14 interest in working at that unit? 14 organize the patients and their family or their 15 A. She did. 15 environment. 16 Q. That was prior to her actually starting 16 Q. Did there come a time that you learned 17 in Lawrence? 17 that you would be an active part of the palliative 18 A. Yes. In between the time when I was, 18 care service? 19 you know -- she was telling me about what was going 19 A. Uh-huh. 20 on, telling me about the job, telling me about the 20 Is that a yes? Q. 21 other position as social worker. She also talked 21 Yes, sorry. 22 about - there was a new person coming to start 22 MR. KEIL: That's okay. 23 palliative care program and she had expressed 23 That is okay. 24 interest in working in that type of environment. 24 MR. KEIL: It's very human to 25 Was there a palliative care unit that 25 do that. Page 23 Page 25 1 NICOLE A. SERRA 1 NICOLE A. SERRA 2 was eventually formed? 2 THE WITNESS: Sorry. 3 A. No unit, no. 3 Q. How did you come to learn that? 4 Or division or program? 4 A. I came to learn one day, and I can't 5 A. Programs, right, was developed. Maura 5 recall the date of the day, but it was before 6 Del Bene was the nurse practitioner that came in 6 October, it might have been in the beginning of 7 May, so right after me. And she was working on 7 September of '06, I was -- somehow Carole and I were 8 establishing a palliative care program or service. 8 actually near each other on the floor, which was not 9 Q. Are you involved in that service now? 9 normal, because normally we're separate, doing ŢΟ A. Currently, I'm not the palliative care 10 separate things. And I know our boss had called her 11 social worker. 11 and she said, I have to go to Cathy's office. I 12 Q. Do you know if there is one? 12 said, Fine. I continued on. She left and went off. þцз A. There is one that was just recently 13 About fifteen, twenty minutes later, my 14 hired. I'd say about -- within a month or so, month 14 phone rang - we have these phones that we have to and a half she has been working for us. 15 15 carry - and it was my boss, and she said that she 16 Q. And her name is? 16 wanted me to come - my boss, Cathy Magone, wanted 17 A. Mary O'Donnell, two N's and two L's. 1.7 me to come to her office, she had to speak with me. ÌВ Q. And do you know whether Ms. O'Donnell's 18 So I arrived, I didn't see Carole in between. But I 19 duties included anything else apart from that 19 went in there and, basically, that is when she told 20 20 me that the palliative care service had requested 21 A. They do not. They're strictly for 21 that I be the social worker for the program. 22 palliative care. 22 Q. What, if anything, did you say to Ms. Q. And what do you understand palliative 23 Magone? care to be? <sub>r</sub> 4 24 A. I mean, I told her I was happy, because ₽5 A. Well, palliative care is a service

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I, you know, I had been working with Manra. I found

#### Page 26 1 NICOLE A. SERRA 1 NICOLE A. SERRA 2 Maura to be like a mentor to me, as well as she was 2 conversations about what happened. I know that, you very intelligent, and she kind of made it easy for 3 know, she was unhappy about the situation. But me to be interested in the program. I never had 4 also, she reassured me that she was not angry at me. intention of, or wasn't even sure that they were 5 5 I never felt that she was angry at me for the 6 choosing one or the other, kind of just came out. I 6 situation. It was kind of the thing that was 7 didn't - I thought that maybe, at some point, they 7 decided that was out of our hands. 8 were even going to be asking for like another social В Q. Did she ever advise you, in words or 9 worker to be hired strictly for that program. So I 9 substance, what Ms. Magone told her? ΙO thanked her and I agreed to take the position. Not 10 A. No. 11 really knowing, you know, what had happened 11 Q. Okay. Do you recall ever stating --12 previously, until after when I met up with Carole. 12 her ever stating to you that Ms. Magone told her, in 13 Q. You didn't know that Ms. Newmark had 13 words or substance, that the reason you were 14 been interested in the palliative care service? 14 selected was because you were younger? 15 A. Uh-huh. 15 A. I did recall Carole saying something to 16 Q. Is that right? 16 me along the lines about that, you know, longevity 1,7 A. Yes. 117 or age or something along the lines of that. Carole 18 Q. Okay. And when you said you didn't 18 had -- Carole did say that to me. know what happened until later when you met up with 19 19 Q. But you don't recall exactly what? 20 Carolë --20 A. I don't. It was a long time ago. 21 A. Uh-huh. 21 Q. Sure. And but Ms. Newmark made it. 22 Q. - did there come a time you discussed clear to you that she wasn't angry at you? 22 23 it with Ms. Newmark? 23 A. Absolutely. 24 A. I'm sure we had discussion about the 24 Q. Okay. When did you cease being 25 program and the fact that, you know, I believe that 25 involved in the palliative care service? Page 27 1 NICOLE A, SERRA 1 NICOLE A. SERRA 2 2

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Page 28

# she was not happy. I think that she had wanted the

social work position. Q. And when you say you believe she was not happy, what, in words or substance, did she say?

A. I don't recall exact words. But I know, you know, we had conversations about, you know, what the program was. And I know that she expressed to me that she had been told by our boss, Cathy, that she would be the person for the palliative care when she was first coming in; that is what Carole had told me.

Q. And do you recall any communications with Ms. Newmark when -- after you learned that Ms. Magone had selected you for that service?

A. Communications in general?

Q. Yes.

A. Oh, yeah.

Q. Relating to the palliative care.

A. Oh, okay, because Carole and I always

21 talked.

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Q. Of course, of course.

A. We always talked. Yes, I mean, and I don't recall specific-like content or conversation, but I know -- I know somewhere that there is

A. I'm sorry?

Q. When did you stop being involved -

A. Oh.

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Q. - in the palliative care service?

A. I had gone to Ohio with Maura Del Bene, RoseAnn O'Hare and Susan Shepp - she was the finance person -- to begin looking at how to formulate the program. Because the program was not yet formulated. It was in the process of being formulated, and we were still looking at other people's programs. What were you asking me?

Q. When did you cease or stop being involved?

A. More or less after -- when Carole was no longer at the hospital, my responsibilities of being a social worker for the entire hospital, it was taking precedence, and my boss was more interested in me focusing on - because I was the only social worker, which makes sense - the responsibilities of the hospital. I continued to work with Maura and still do to this day. But at some point, her and I just kind of talked to each other about it, and I was not able to do the things that she was needing me to do, because of all of the

	Page	30	Page 32
1	NICOLE A, SERRA	ļi	-
2	other responsibilities that I had. So we kind of	2	
	just unofficially, you know, a few months down the	3	Q. Directing your attention to that first
4	line after Carole had left, you know, decided that	4	page of Exhibit 26.
5	Maura was basically doing everything on her own, but	5	A. Okay.
6	when Maura was on vacation, I would be covering for	6	Q. Toward the bottom, it appears to be an
7	her, I would be taking on her palliative care	7	e-mail from you
-8	responsibilities to the best of my ability to do so.	8	A. This one down here (indicating)?
9	Q. Do you know when there was the decision	¦ 9	Q. Yes.
10	to hire someone full-time, a full-time social worker	10	A. Okay.
11	for the palliative care service?	11	Q from you to Maura Del Bene. In the
12	A. There is no full-time social worker.	12	middle of the text of the e-mail it says: (Reading)
13	Q. Okay. Mary O'Donnell is part-time?	13	"Once again, thanks for the for understanding my
14	A. Yes, she is part-time. She works	14	bad attitude last week."
15 16	almost every day, but it's part-time. It's	15	A. Uh-huh.
17	considered a part-time position. I know that they	16	Q. With what were you referring to?
18	have been looking for awhile, it's been in the	17	A. I don't know.
19	newspapers for months and months. They had another	18	Q. Okay.
20	person, Laura Hanlin, who had been hired for	19	A. I can't tell you right now.
21	part-time, and she did not work out. So she was	20	Q. Is there anything that would refresh
22	only there for a short while. And that was last	21	your recollection?
23	year. She was maybe toward the end of the year, so	22	A. I'm sure if you had something to show
ł	September, October maybe.	23	me, maybe it would, but I don't know.
24	Q. Of 2007 or six?	24	<ul> <li>Q. I'm going to direct your attention</li> </ul>
25	A. Yeah, seven.	25	to - above that, it says - now it's an e-mail from
	Page 3	1	Page 33
1	NICOLE A. SERRA	İ	NICOLE A. SERRA
2	Q. How long had she been employed?	, 2	Maura Del Bene to you
3	A. Employed in palliative care, it was, I	3	A. Okay.
4	would say months, sure, it wasn't long at all. But	4	Q. The last paragraph of the text states:
:5	she is a hospice social worker. She works for	5	(Reading) "You have good energy and enthusiasm in
6	Jansen Hospice, which is part of Lawrence Hospital.	6	your work here, don't let one slip-up cloud the
7	MS. NICAJ: I'm going to mark	7	picture of your real spirit."
8	some e-mails, and I would just like to mark	8	A. Uh-huh.
9	them as Plaintiff's Exhibit 26, please.	9:	Q. Do you remember what she is referring
10	(Whereupon, Plaintiff's Exhibit 26, E-MAILS,	10	to there?
11	was marked for identification.)	11	A. I don't, not now. I don't. I'm sure I
12	Q. I'm going to direct your attention to	12	did at the time.
L3	what's been marked as Plaintiff's Exhibit 26.	13	Q. Okay. The next sentence reads:
14	A. Okay.	14	(Reading) "We all need to help and support each
L 5.	Q. Do you recognize that document?	15.	other, and I am glad to be part of the team." Close
16	A. Uh-huh.	16	quotes. Do you know what she was referring to at
L7	Q. Is that a yes?	1.7	that time?
18	A. Yes, yes.	18	A. Probably - no, I'm not going to
. 9	Q. Okay.	19	speculate. No, I don't know.
0	A. Sorry.	20	Q. At the very top of the e-mail - of the
21	Q. It's okay. What do you recognize it to	21	first page of the document, it's another e-mail from
2	be?	22	you?
	A. Well, obviously, it's communication	23	A. Uh-huh.
4	from me to Maura, and then Maura back to me, and	24	Q. Dated July 20th, 2006 to Maura Del
5	Maura sending something to Carole and I on Website	25	Bene. It starts: (Reading) "Maura, thanks for

Page	 34 i	Page 36
1 NICOLE A. SERRA	1	NICOLE A. SERRA
2 your I think it should've been your e-mail, but	2	Q. Which is in what way?
it says you e-mail I'm glad you are part of the	3	A. Uncertain, always in question. I felt
team also, dot dot dot. It is often hard work in	4	like she thought she was my boss and I had to like
5 this environment when you don't know who you can	5	report to her. I don't think she understands social
6 trust." Close quotes. What were you referring to?	·6	work, nor does she care. I feel that she would just
	7	· · · · · · · · · · · · · · · · · · ·
<b>3</b>	8	kind of like give cases over that had difficult
8 manager.	وا	aspect of it. And then when I would be needing her
9 Q. Okay.	10	medical support, because I'm not a doctor, and I'm
A. In that situation.		not a nurse, and our bosses directed case managers
Q. Why?	11	specifically to assist social workers with the
A. Because they're well, some of them	12	medical piece, because we don't have that
3 are very difficult to work with and they are more	13	background, and she would hand over a case to me and
4 interested in talking about other people's work and		then I would - basically, go ask other case
5 this and that, versus paying attention to their own	15	managers that I was comfortable with about the
6 situations.	16	medical status, because she made it that difficult
.7 Q. "Other people" meaning social workers	17	to work with. And I feel that she turned because
.8 or	18	of the way that she is, and she always — she talks
9 A. Just everybody.	19	about everybody's business all the time, she makes
Q. Which of the case managers were you	20	situations grander and larger then they would ever,
11 referring to?	21	ever be if it was just you or I dealing with it.
A. It probably would have been Colette	22	Q. Do you know whether she ever complained
3 Gilardi or Barbara Moyack.	23	to Cathy Magone about you?
Q. Was this in response to something	24	A. Oh, I'm sure she did.
25 Colette Gilardi did or said?	25	Q. Okay, Do you know whether she ever
Page	35	Page 37
1 NICOLE A. SERRA	1	NICOLE A. SERRA
A. May have been, it's probably possible,	2	complained to Cathy Magone about Carole Newmark?
3 because any issues that I really had working there	ا ع3:	A. I'm sure she did.
4 were about Colette Gilardi, so - but I can't say	4	Q. Why are you sure she did?
5 for sure if that is the case but —	5	A. Because I would have an issue or there
6 Q. Is she still employed there?	16	would be an issue with Carole or something. And the
7 A. Yes, she is.	. 7	next thing we would know, our boss would be
8 Q. Do you still have similar issues with	8.	questioning us about it. So we knew like where it
9 her?	9	was coming from, because that is where the problem
O A. No, because she's now recently taking a	D.O.	stemmed from.
1 new position, still in case management, but not as a	11	Q. When did you get your CSW? Off the
case manager, she's doing something, reviewing	12	and the second s
documentation of doctors, so she no longer has	13	record. (Discussion off the record)
· · · · · · · · · · · · · · · · · · ·		(Discussion off the record)
<ul> <li>4 you know, requests stuff from me to do.</li> <li>5 Q. What sort of issues did you have with</li> </ul>	14	A. That would have been, I think it was
.5 Q. what sort of issues did you have with .6 Ms, Gilardi?	15 1.6	hold on, I believe it was October of '04, yeah,
	16	might have been the 4th or the 6th.
A. I feel that Ms. Gilardi is a very	17	Q. On how many occasions did Ms. Newmark
anxious person. I feel that she — I feel that	18	communicate to you that prior to her being
9 she's unnecessarily involved in everything in that	19	hired – that one of the reasons she was interested
o department, especially cases that — especially for	20	in working at Lawrence was because of the formation
social work. I don't know what her issue is in	21	of palliative care service?
2 social work. I would go to my boss Cathy Magone and		A. I would say, like, maybe two or three
make complaints about her. She made me feel - I	23	times she had told me about it.
4 never encountered anybody that made me feel the way	24	Q. Okay. And she told you that she was
she made me feel.	25	told that she would be involved in the palliative

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#### Page 38 NICOLE A. SERRA 1 2 care service? A. Ub-huh. Is that right? 4 Q. 5 A. Yes, yes. 6 MS. NICAJ: Okay. I think 7 I'm pretty much done. I just want to ₿ consult my notes and my client. 9 THE WITNESS: Okay. μo MS. NICAJ: And then, 10 11 hopefully, you will be on your way. 11 12 12 THE WITNESS: Okay. 13. MS. NICAJ: Off the record. 13 14 14 (Discussion off the record) Q. Apart from Colette Gilardi, did you 115 15 have any other issues with other case managers while 16 16 17 you and Ms. Newmark were employed at Lawrence? 17 18 A. I'm trying to think. Yeah, I mean, I 18 19 didn't cover Five North, but Thelma Gordon and 19 20 Barbara Moyack are up there, and they would also be 20 21 part of the -- they have been there for a very long 21 22 22 time, so Colette and Barbara were -- I wouldn't call 23 friends, but they were - they kind of feed off of 23 24 24 each other. And I know Carole had worked on Five

### NICOLE A. SERRA

For example, she called me the other day, said, "There is a case for you." I said, "Okay." I come on. I tell her I'm having a meeting with the family the next day. She calls me during the meeting, "The family is waiting for you." I said, "I know, I'm waiting -- I'm meeting with the family right now,"

And then they called me ten minutes after that, as I was still meeting, saying that the doctor is discharging the patient, where are they going? It's a long term patient, a patient that's going to be living in a nursing home that has dementia, families have to go and look at - this is where the breakdown of case management and social work comes in, because we look at it as a life transition. You can't just say, "By the way, dad is demented, he has to go to long-term care." People get upset. They have feelings behind that.

So, you know, she gets into that a lot, and then she will tell you, you know, swear up and down that she would never talk about you to the boss. She is always like very adamant to tell you that. I have never said anything to her about, you know - it's like she feels like she needs to repeat these certain reminders about herself. I don't know

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Page 41

Page 40

## NICOLE A. SERRA

some issues there with Barbara and Thelma.

Q. When you say Colette and Barbara worked with one another and they feed off one another -

North and I know that there was probably, you know,

- A. Yeah, we wouldn't even want to eat at the same table with them, because you go down there, and all they would do was talk negatively about other people in the department as they're sitting two feet away from them, talk about patients and reveal names in public places. And it's not something that -- Carole and I come from mental health background, and I know we respect people's privacy and would not be talking about cases in the middle of the cafeteria.
- Q. Did you ever communicate any concerns you had with a case manager named Kitty?
  - A. Did I ever -- yeah, I have.
  - Q. Okay.

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- A. I have. I have done it now because now I'm covering that floor.
- Q. What sort of concerns did you have with Kitty?
- A. Kitty is -- I think Kitty is a very good person. I think she gets very overwhelmed and she kind of likes to throw the hot potatoes at you.

## NICOLE A. SERRA

if it's like self-reassurance or whatever it is. But there are issues with her doing stuff like that, giving a case and then expecting it to be addressed and taken care of, and always putting her hand back in the pile all the time constantly and also confusing cases.

Like, I would go to call to set up transportation and call Westchester EMS and they would say, "Thelma Gordon already set up the ambulance." What? When did that happen? So there is a lot of miscommunication because of herimpulsiveness.

- Q. Were there ever times that there were multiple calls put in to you from various sources asking you to consult as a social worker?
- A. You mean like from several different people?
  - Q. Like at the same time?
- A. Yeah, sure.

MR. KEIL: You mean regarding

the same case?

- No, regarding different cases.
- A. Yeah.
- And how do you prioritize?

1			<del></del>	
	Page	42	Page	 44
1.1	NICOLE A. SERRA	1	NICOLE A. SERRA	
2	A. You kind of - this is, you know,	2	questions?	
	another thing that was kind of our boss kind of	3	MR. KEIL: No.	
4	leaves us to prioritize what's important; even	4	MS. NICAJ: That is it.	
5	though she knows what we're prioritizing, case	5	oOo	
6	managers don't know. And they feel when they call,	6	0.00	
7	what they're telling you is the most important	7	(Time noted: 10:47 a.m.)	
8	situation, and that can cause problems. Because I	8	(Time noted, 10.47 a.m.)	
و	look at, if there is a patient that is a psychiatric	9		
10	patient that needs to be that came in from a	10		
μі	suicide, overdose or attempted, they're in the	11		
12	hospital, we medically stabilized them and they're	12		
13	ready to go, that is my priority for the day.	13		
14	Because what happens is they have to	14		
15	have a one-to-one sitter with them because they're	15		
16	risk. The hospital is paying for that. So I'm	16		
17	getting calls from administrative: "That patient	17		
18	needs to get out of here. What are you doing?	1.8		
19	What's happening?" I have to get authorization from	19		
20	the insurance if they have, you know, an insurance	20		
21	company. You have to find a bed. I have to fax all	21		
22	the paperwork. And that is the most important	21 22		
23	agenda for me on that day. But then I can get a	23		
24	call from the emergency room saying that "We have a	24		
25	rape case down here," and then I have to go, which I	25		
'		+		_
l 4	Page 4	-3	Page 4	5
1	NICOLE A. SERRA	2	STATE OF NEW YORK )	- 1
2	had experience not that long ago, I had to drop	. 3	) ss:	ı
.3	everything that I was doing and I spent five hours	4	COUNTY OF NEW YORK )	
4	down in the emergency room. So people can make an	5	·	
5	opinion about what I'm doing and where I'm not, but	<sub> </sub> 6		1
6	they really don't know where you are. And then,	17	I, NICOLE A. SERRA, the witness herein,	ĺ
7 8	again, my answer is, "I have my phone, you can	. 8	having read the foregoing testimony on the pages of	-
9	always call me." You know, it's a lot of	1 9	this deposition, do hereby certify it to be a true	
ĺ .	Q. Are there any guidelines as to what	10	and correct transcript, subject to the corrections,	-
10	cases you need to prioritize in what order?	11	if any, shown on the attached page.	-
11 12	A. Well, we're always told the length of	12	y, page.	
13	stay is very important, so and you have to look	13		
1.4 1.4	at the longer someone has been there, the more	14	.9Oo	
15	pressure there is on you to do something, even	15	300	
16	though most of the times it's out of your hands	16		1
17	because, ultimately, the doctor must come in and	17	NICOLE A. SERRA	
18	write a discharge plan or order, and there is	18	NICOLE A. SERKA	
19	nothing that anybody can do until that's done. We	19		
. O.	call them. We can harass them. We can do all of	20	Subcaribad and gray to b. C.	
21	that, but when they're ready, they will do it.  Q. This is the doctors?	21	Subscribed and sworn to before me	
22	A. Uh-huh.	22	this day of, 2008,	
· <del></del>	Q. Is that a yes?	23.		
: 4	A. Yes.	24		
5	MS. NICAJ: Do you have any			
	MB. MCAJ. Do you have any	25		

**EXHIBIT 27** 

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK



CAROLE NEWMARK,

Plaintiff,

-against-

INDEX NO.

07-CIV-2861(CLB)

LAWRENCE HOSPITAL CENTER AND PAT ORSAIA, Defendants.

----x

222 Bloomingdale Road White Plains, New York March 18, 2008 11:53 a.m.

EXAMINATION BEFORE TRIAL of ROSEANN O'HARE, a witness testifying on behalf of the Defendant. LAWRENCE HOSPITAL CENTER in the above-captioned matter, held at the above time and place, before a Notary Public of the State of New York.

> Lisa M. Rosso. Shorthand Reporter

APPEARANCES: LOVETT & GOULD, LLP Attorneys for Plaintiff 222 Bloomingdale Road White Plains, New York 10605 BY: DRITA NICAJ, ESQ. В COLLAZO, CARLING & MISH, LLP Attorneys for Defendants 747 Third Avenue New York, New York 10017 BY: JOHN P. KEIL, ESQ. ALSO PRESENT: CAROLE NEWMARK 

# ROSEANN O'HARE,

having been duly sworn by Lisa M. Rosso,
a Notary Public within and for the State
of New York, was examined and testified
as follows:

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# EXAMINATION BY MS. NICAJ:

- Q. Please state your name and address for the record.
- A. RoseAnn O'Hare, 4401 Victoria Drive, Mt. Kisco, New York 10549.
- Q. Good morning. My name is Drita Nicaj.

  I represent the plaintiff in this action, Carole

  Newmark. I will be asking you a series of questions
  today. I'm looking for truthful and responsive
  answers; okay?
  - A. Okay.
- Q. If at any time you want to take a break, you can do so. But just answer the question first and then you can take your break; okay?
  - A. Okay.
- Q. Also, all of your responses need to be verbal. No nods of the head or uh-huhs or ut-uhs;

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ROSEANN O'HARE	ROS	FANN	O'HA	RE
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- I'm responsible for patient care issues Α. within the hospital. I oversee the nursing department, hospice agency, home care agency, and bereavement center.
  - Okay. Who's Cathy Magone? 0.
- Cathy Magone, I think, is Director of Α. Quality Case Management.
  - Do you supervise Ms. Magone? Q.
  - Α. No.
- Do you know who her direct supervisor Q. is?
  - She reports to Dr. Broder. Α.
- Do you know an employee by the name of Q. Carole Newmark?
  - Α. Yes.
  - Q. Okay. How do you know Ms. Newmark?
- Carole is a social worker at the Α. hospital. So there would be times that Carole would come to me regarding a patient, because I -- my role is also as the administrator on duty. And if there was a patient that needed to be placed in a psychiatric facility, Carole would come and tell me about that patient.
  - Do you know when Ms. Newmark commenced Q.

İ	ROSEANN	O'HARE
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employment?

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- A. No.
- Q. Do you know whether she had previously been employed at Lawrence before?
  - A. I don't know.
- Q. Okay. Did there come a time there was a palliative care service or a program that was formed at the hospital?
- A. Right. That was my program that we were starting at the hospital.
  - Q. And that program started when?
- A. We officially started in May of 2006 when we hired the nurse practitioner. But we were planning for it probably a year prior to that.
- Q. Who's the "we" that were planning, apart from yourself?
- A. Myself. We had some fund board members from Jansen Hospice. Dr. Page was part of it. I think, at the time, the previous social worker might have been on that team as well.
  - Q. And the social worker was who?
  - A. I'm forgetting her name.
  - Q. Denise Galloway?
  - A. Yeah, Denise Galloway. I think she was

### 1 ROSEANN O'HARE part of that group as well. 2 Was Cathy Magone --3 Q. Α. No. wait -- I didn't finish the question. 5 Q. 6 Α. Sorry. That's okay. We need a clear record, 7 Q. I'm going to withdraw the question and just ask it ₿ again. 9 Was Cathy Magone active in any way --10 11 Α. NO. 12 -- in the formation of the palliative Q. care service? 13 14 Α. No. Okay. There was a time that Maura Del 1.5 Ο. 16 Bene was hired? 17 Α. Yes. And she -- you supervise Ms. Del Bene? 18 Q. 19 Α. Yes. 20 Did there come a time that you Q. participated in any way in the recommendation of a 21 social worker to be active in the palliative care service? Α. Yes. 25 Okay. In what way? Q.

## ROSEANN O'HARE

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when we first started the program in May of 2006, it was Maura Del Bene, Dr. Page and myself who were trying to develop the program. And as we started the program, we were trying to build a team, because there were some patients who had some social work needs. And during our conversations when we were talking about palliative care service, because it was a new service at the hospital, we thought that we needed a social worker to be part of our team as well.

- Did there come a time there was a 0. decision to appoint a social worker to the palliative care?
- No, I don't think there was a decision. It was -- we had two social workers at the time, and we didn't appoint anyone. It was -- I think Maura probably spoke with Carole about being part of the But there was no -- we didn't have a discussion about who would be appointed to it, because the social worker has other duties within the hospital as well, so they wouldn't be appointed solely for that.
- That is -- withdrawn. I'm not asking Q. solely for the palliative care. Did you ever

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# ROSEANN O'HARE

participate in any communications concerning appointing one of the two social workers to the palliative care services unit as part of their duties?

- The only conversation that I had was Α. after Maura had been working with Carole, and she came -- because I met with Maura on a regular basis about the program -- she came to me to say that she didn't feel that Carole was following up with some things that she had given her. And she was going to approach, I think, the other social worker.
- Q. Did you ever communicate with Cathy Magone concerning the selection of a social worker to the palliative care service?
  - Α. No.
- when did you have this communication Q. with Ms. Del Bene about her communication with Ms. Newmark?
- I don't remember when. We started the program in May of 2006, that is when Maura was first hired, and it was probably some time within the --I'm sure the first six months; I don't know exactly when we talked about that.
  - Did that -- did there come a time where Q.

# ROSEANN O'HARE

you and Ms. Del Bene and some others went to Columbus, Ohio for training?

A. Yes.

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- Q. Were any social workers also in attendance at that meeting --
  - A. Yes.
  - Q. -- or training?
  - A. Right.
  - Q. Which one?
  - A. Nicole Serra.
- Q. Do you know how she came to be selected?
- A. We had planned going to that program even before Maura was hired, because it was a program to teach us how to grow our program. And I think Nicole was just selected because she had been working with Maura as her social work colleague.
- Q. Did you participate in any way in the selection of Nicole Serra to go to that training?
- A. No. I mean, it was -- she was working with Maura as part of the team as a social worker. So the decision was made about who we were going to take with us. We took a financial person with us. We took myself. They wanted an administrator to go.

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## ROSEANN O'HARE

So I don't remember any -- I just remember that Nicole had been working with Maura at that time.

- Did you ever communicate with -- with 0. Cathy McDonald concerning the selection of a social worker to the palliative care service, between Carole Newmark and Nicole Serra?
- There was no position for it, it was just part of the team. So Maura was just working with the social workers.
- I understand. In other words, you're 0. distinguishing it from what it is nowadays. There is a social worker that is solely assigned to the palliative care service; is that right?
  - Α. Yes, right.
- Q. And previous to that, while Ms. Newbark was employed at the hospital, there was specific -there was no social worker assigned primarily to the palliative care service?
  - Α. Right.
- Okay. But you've understood that the 0. selection of Nicole Serra to the -- for the training would mean that she would participate in the palliative care service unit; correct?
  - Right. Well, there is no unit. Α.

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# ROSEANN O'HARE

- Q. Or service program.
- Α. Right, right.
- Q. Okay. And you never had any communications concerning Ms. Serra's selection with Cathy Magone?
- well, the only conversation after it Α. was presumed that Nicole would go, I did speak to Cathy Magone and told her that we were going to Columbus, Ohio for training for this program. And, you know, that Nicole was part of the team and could she go, because Nicole didn't report to me.
- Okay. And what, if anything, did Ms. Q. Magone say?
  - She said -- I guess she said yes. Α.
- Okay. Did you ever participate in any Q. way in the selection of Nicole Serra to be part of the palliative care service?
- No. There was discussion between Maura and I about social work needed to be part, because we had patients that required that. But I didn't say to Maura to pick one social worker over the other.
- Did you have any opinion as to Q. Okay. which -- withdrawn. Did you ever express an

1	ROSEANN O'HARE
2	opinion?
3	A. No.
4	Q. Did you ever express which social
5.	worker should be selected?
6.	A. No.
7	MS. NICAJ: Okay. I think
8	we're wrapping up. So I'm going to take a
9	quick break, and we can hopefully wrap up
10	pretty quickly; okay?
11	THE WITNESS: Okay.
12	(Short break)
13	Q. In your capacity as a VP of Patient
14	Services, did you ever have occasion to interact
15	with Carole Newmark?
16	A. Yes.
17	Q. Okay. What were the circumstances in
18	which you interacted with Ms. Newmark?
19	A. There were mostly there were
20	patients that might have to be placed in a
21	psychiatric facility. And the social worker,
22	Carole, would follow up with those patients and come
23	to me and tell me about the patients. And then I
24	would have to sign an agreement that that patient

would be placed based on the attendant's

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# ROSEANN O'HARE

recommendation.

- Did you have any issues concerning her Q. performance or anything like that in your capacity as VP for patient services?
- I don't remember. I mean, the only Α. thing that I remember is about Maura telling me that she had given Carole some things to follow up, I think a policy, and she didn't follow up with that.
  - Okay. But with you directly? Q.
- I don't remember. I mean, it was only one other time that -- I think Carole and Nicole were fairly new at the same time, and -- but I don't remember that I had any conversation about it. I did think that it was a little odd one day when Carole came to me to sign off on one of those, and the other social worker was with her, which I just thought was -- you know, why were two social workers -- seemed to me a little waste of time, two social workers to be doing it for you, one patient.
- 0. So your perception was the two -- the two of them weren't needed at that time to do this one task?
- Oh, I never seen two do it before or since.

1	ROSEANN O'HARE
2	Q. Did you have an understanding that
3	Nicole Serra was shadowing Ms. Newmark?
4	A. I think she was, because I think she
5	was the newer social worker. Carole had been there.
6	Q Apart from that example you provided
7	just now, anything else?
8	A. No, I don't remember anything else.
9.	Q. Okay. Are there any documents that you
10	can use to refresh your recollection?
11	A. No.
12	MS. NICAJ: That's it.
13	MR. KEIL: Can I just ask-one
.14	question of the witness?
15	MS. NICAJ: Sure.
16	EXAMINATION BY MR. KEIL:
17	Q. Did you communicate any of the concerns
18	Maura Del Bene had expressed to you about Carole
19	Newmark to Cathy Magone?
20	A. Yeah, I could have done that. I could
21	have expressed that to Cathy.
22	Q. Do you remember doing so?
23.	A. I remember having a conversation with
24	Cathy Magone about about the fact that Maura felt

that Carole was not following up on some of the work

1	ROSEANN O'HARE
2	that she had given her. And that Maura was probably
3	going to be to start working with Nicole.
4	MR. KEIL: Thank you.
5	MS. NICAJ: I have nothing
6	further. Thank you.
7	THE WITNESS: Thank you.
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10	(Time noted: 12:06 p.m.)
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EXHIBIT 28

Page 1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

----x

CAROLE NEWMARK,

Plaintiff,

-against-

INDEX NO. 07-CIV-2861 (CLB)

LAWRENCE HOSPITAL CENTER AND PAT ORSAIA,

----x

Defendants.

222 Bloomingdale Road

White Plains, New York March 18, 2008 10:51 a.m.

EXAMINATION BEFORE TRIAL of MAURA DEL BENE, a witness testifying on behalf of the Defendant,

LAWRENCE HOSPITAL CENTER in the above-captioned matter, held at the above time and place, before a Notary Public of the State of New York.

Lisa M. Rosso,

Shorthand Reporter

		Page 2	Page 4
2	APPEARANCES:		_
3		_	CONDUCT OF DEPOSITIONS
	LOVETT & GOULD, LLP	3	221.3 Communication with the deponent.  An attorney shall not interrupt the deposition
	Attorneys for Plaintiff		for the purpose of communicating with the deponent
5.	222 Bloomingdale Road	ļ <u></u>	unless all parties consent or the communication is
	White Plains, New York 10605	5	made for the purpose of determining whether the question should not be answered on the grounds set
6	BY: DRITA NICAJ, ESQ.	.6	forth in section 221.2 of these rules and, in such
7	BI. DRITA NICAJ, ESQ.		event, the reason for the communication shall be
I		7	Time in the resolution and promise section in the promise section in the section
8	COLUMN CARTERO SARRA CAR	•	IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before any Notary
9	COLLAZO, CARLING & MISH, LLP	9	Public with the same force and effect as if signed
	Attorneys for Defendants	10	before a clerk or a Judge of the court.
10	747 Third Avenue	1.0	IT IS FURTHER STIPULATED AND AGREED that
	New York, New York 10017	112	the Examination Before Trial may be utilized for all
11	BY: JOHN P. KEIL, ESQ.		purposes as provided by the CPLR.
12		.12	FT AC DISTRICT OFFICIAL ATERS AND A COURT ALLS
13		13	IT IS FURTHER STIPULATED AND AGREED that all rights provided to all parties by the CPLR
14		<u> </u>	cannot be deemed waived and the appropriate sections
15		14	for the CPLR shall be controlling with respect
1.6		15	hereto.
17			IT IS FURTHER STIPULATED AND AGREED by
18	ALSO PRESENT:	, 16	and between the attorneys for the respective parties
19	CAROLE NEWMARK	17	hereto that a copy of this examination shall be furnished, without charge, to the attorneys
20	CAROLL NEWWARK	- '	representing the witness testifying herein.
	-0-	18	, <u>-</u>
21	оОо	19 20	
22		21	
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		Page 3 ;	Page 5
2	221. UNIFORM RULES FOR THE CONDUCT OF DEPOSITIONS 221.1		MAURA DEL BENE,
3	221.1 Objections at Depositions;	3	having been duly sworn by Lisa M. Rosso,
4	(a) Objections in general. No objections	4	a Notary Public within and for the State
5	shall be made at a deposition except those which, pursuant to subdivision (b), (c), or (d) of Rule	5	of New York, was examined and testified
_	3115 of the Civil Practice Law and Rules, would be	1	
6.	waived if not interposed, and except in compliance. with subdivision (e) of such rule. All objections	6	as follows:
7	made at a deposition shall be noted by the officer	7	oOo
8	before whom the deposition is taken, and the answer shall be given and the deposition shall proceed	8.	
	subject to the objections and to the right of a	9	EXAMINATION BY MS. NICAJ:
9	person to apply for appropriate relief pursuant to Article 31 of the CPLR.	ī, o	· · · · ·
1.0	(b) Speaking objections restricted. Every	•	Q. Please state your name and address for
11	objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer	11	the record.
	to the deponent and, at the request of the	12	A. Maura Del Bene, 42 Vernon Parkway, Mt.
12	questioning attorney, shall include:a clear	13	Vernon, New York 10552.
13	statement as to any defect in form or other basis of error or irregularity. Except to the extent	14	•
14	permitted by the CPLR Rule 3115 or by this rule,	F -	Q. Good morning, Ms. Del Bene. My name is
. 4	during the course of the examination persons in attendance shall not make statements or comments	15	Drita Nicaj. I represent the plaintiff in this
5	that interfere with the questioning.	1.6	action, Carole Newmark. I will be asking you a
lδ	221.2 Refusal to answer when objection is made.  A deponent shall answer all questions at a	17	series of questions today ,and I'm looking for
17	deposition, except (i) to preserve a privilege or	18	truthful and responsive answers; okay?
	right of confidentiality, (ii) to enforce a limitation set forth in an order of the court, or	h 9	· · · · · · · · · · · · · · · · · · ·
. 8		i	A. (Nodding head yes)
	(iii) when the question is plainly improper and		Q. Is that a yes?
	would, if answered, cause significant prejudice to	20	4 Jest
9	would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as provided in CPLR	20 21	
18 19 20	would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as pravided in CPLR Rule 3115 or this subdivision. Any refusal to	21	A. Yes, it is. I'm sorry.
1 <b>9</b> 20	would, if answered, cause significant prajudice to any person. An attorney shall not direct a deponent not on answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinet and clear statement of the	21 22	<ul><li>A. Yes, it is. I'm sorry.</li><li>Q. All responses need to be verbal.</li></ul>
19 20	would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinet and clear statement of the basis therefor. If the deponent does not answer a	21 22 23	<ul><li>A. Yes, it is. I'm sorry.</li><li>Q. All responses need to be verbal.</li><li>A. I'm sorry.</li></ul>
19 20	would, if answered, cause significant prajudice to any person. An attorney shall not direct a deponent not on answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinet and clear statement of the	21 22	<ul><li>A. Yes, it is. I'm sorry.</li><li>Q. All responses need to be verbal.</li></ul>

	Page		Page 8
ı	MAURA DEL BENE	· +1	MAURA DEL BENE
2	of the head or uh-huhs or ut-uhs; okay?	2	A. Yes.
	A. Yes, thank you.	3	Q. Currently?
14	MR. KEIL: We'll do our best	4	A. Yes.
5	to remind you.	5	Q. Who?
6	Q. If at any time you want to add, change,	6	A. There is a social worker; her name is
7	or otherwise supplement a previous response	7	Mary O'Donnell.
8	A. Okay.	g	Q. Anybody else?
9	Q let me know; I will be happy to give	¦ 9	A. The medical director, Dr. Page.
10	you an opportunity to do that.	10	Q. And Mary O'Donnell has been employed
11	A. Uh-huh.	11	how long?
12	Q. Is that a yes?	12	A. Approximately a month.
1.3	A. Yes, it is, I'm sorry. I'm not used to	13	Q. Prior to that, did anyone occupy that
14	talking like this.	14	position?
15	Q. It's a natural thing, we'll try our	15	A. Nicole Serra.
16	best to remind you. If at any time you don't	16	Q. Was there anyone by the name of Laura
<b>1</b> .7	understand a question, haven't heard the question,	17	Hanlin?
18	let me know; okay?	18	A. Oh, yes, I'm sorry, I totally forgot
19	A. I will.	19	about her. Yes, Laura Hanlin is a social worker
2.0	Q. If you want to take a break, you can do	20	that was hired. She worked with the service, I
21	so, but what I would ask you to do first is answer	21	think for probably two months or so.
22	any pending questions that haven't been fully	22	Q. When did she start her employment?
⊉:3	responded to; okay?	23	A. I don't have those dates in front of
24	A. Okay.	24	me, I'm sorry.
25	Q. Is there anything that I said so far	25	Q. Can you approximate which month?
•	Page	7	Page 9
1	MAURA DEL BENE	1	MAURA DEL BENE
2	that you do not understand?	12	A. I can't.
3	A. No.	3	MR. KEIL: Estimate to the
4	Q. Okay. You're employed?	4	best of your recollection, but don't guess.
5	A. Yes, I am.	5	A. I think it was summer of last year,
6	Q. By whom are you employed?	6	summer of '07.
7	A. Lawrence Hospital Center.	7	Q. Was this was her position, Ms.
8	Q. In what capacity?	8	Hanlin's, full or part-time?
9	A. I'm the nurse practitioner to the	9	A. Part-time, and shared with the hospice.
10	palliative care service.	įιo	Q. And the hospice name is Jansen?
11	Q. When did you commence employment at	'nі	A. Jansen Memorial.
12	Lawrence?	12	Q. What do you mean by shared with the
13	A. May of '06.	.‡з	hospice?
14	<li>Q. And apart from your being the nurse</li>	14	A. She was a full-time employee of the
1.5	practitioner at the palliative care service, do you	15	hospital. Part-time for the service, part-time for
16	have any duties and responsibilities at Lawrence?	Íб	the hospice.
17	A. Could you ask that again?	17	Q. Okay. And was that the same -
18	Q. Apart from your duties at this service,	18	withdrawn. Is that the same with Mary O'Donnell?
19	do you have any other duties?	19	A. No, it is not. She is only part-time
20	A. No, that is my prime responsibility to	20	for the service and part-time for the hospice.
21	the hospital.	21	Q. What were the circumstances in which
22	Q. Is that a full-time position?	22	Ms. Hanlin ceased being employed there?
	A. Yes, it is.	23	A. She decided to stay with - wanted to
4	Q. Are there any other employees that are	24	devote her time with the hospice side. She wasn't
25	assigned to palliative care service?	25	as comfortable in the palliative care hospital bay

	Page	10	Page 12
1	MAURA DEL BENE	. 1	MAURA DEL BENE
2	side. It wasn't an arena she had felt she had	. 2	O'Donnell.
	enough experience in, or comfort level in.	3.	Q. That was in the summer?
4	Q. Did she remain at Jansen then?	. 4	A. Probably in the spring or summer of
5	A. Yes, she is still at Jansen.	5.	last year, recently.
6	Q. You mentioned Nicole Serra.	6	Q. When did you commence employment
7	A. So Nicole is an employee at the	7	withdrawn. You commenced employment in May of 2006?
8	hospital.	8	A. Yes.
9	Q. Right.	9	Q. And for which position?
10	A. And she filled in as the palliative	10	A. The nurse practitioner to the
11	care social worker when we started the program, a	11	palliative care service.
12	couple of months into it.	12	Q. Okay. And it's the position you
13	Q. When did she withdrawn, Did there	13	currently hold today; is that correct?
14	come a time she no longer was involved at the	14	A. Yes.
15	palliative care?	15	Q. Who interviewed you?
16	A. No. She continues to be involved, but	16	A. Dr. Page and RoseAnn O'Hare.
17	just not formally identified as — her resources	17	Q. RoseAnn O'Hare's position is what?
18	were spread too thin to be the palliative care	18	A. She's the VP of Patient Services.
19	social worker and a social worker in the hospital.	19	Q. At the time you were interviewed, did
20	And so she provides backup to the service. Prior to	20	you have an understanding about what the position
21	Mary O'Donnell being hired recently, she provided	21	was going to be?
22	backup and ancillary support, interdisciplinary type	22	A. Yes.
23 24	of care, but she is not devoted to the service.	23	Q. How did you learn that?
	Q. Okay. When did that cease?	24	A. Through discussions with Ms. O'Hare, as
25	A. When did that cease?	25	well as Dr. Page, and through the endorsement that
	Page 1	.1	Page 13
1	MAURA DEL BENE	1	MAURA DEL BENE
2	MR. KEIL: Objection as to	. 2	took place.
3	the form.	3	Q. Did there come a time you commenced
4	Q. When did she stop being identified as	4	withdrawn. When you commenced employment, was there
5	part of the palliative care service? I understand	5	social workers assigned to the palliative care?
6	she provided supportive care, as you said -	. 6	A. No.
7	A. Uh-huh.	7	Q. Was there a palliative care service
8	Q prior to Ms. O'Donnell being hired?	8	actually started at the time you started
9	A. Uh-huh.	9	employment
10	Q. But did there come a time that she was	10	A. No.
	no longer identified as part of the palliative care	11	Q at Lawrence? Was that one of your
1	service?	12	responsibilities as
13	A. No, never really happened formally.	13	A. Supposed to start up the program.
14	Q. Okay. Did there come a time she or you	14	Q. Was to start it?
	communicated concerning her no longer being actively	15	A. Yes, or as they called it, roll-out.
	involved in the palliative care service?	16	Q. Roll-out. And did you have any
17	A. I recall we had conversations about how	17	interactions with Carole Newmark during this time
18 19	her resources were spread thin, and it was	18	concerning the formation of palliative care?
2:0	increasingly more difficult for her to be able to	19	A. Yes.
	provide the attention and the time to the service	20	Q. At the time, what was Ms. Newmark's
22	that she would like. And that — and that's when,	21	position?
	you know, we sort of evolved into not having her as	22	A. Social worker.
μ4	the primary palliative care social worker and, you	23	Q. Do you know whether she was a senior
~ ~	know, sought employment through another, you know,	24	social worker or social worker?
25 <sub> </sub>	part-time employee, Ms. Hanlin, and then Ms.	25	A. By title, I don't know. But I knew

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1	MAURA DEL BENE
2	that she was a senior social worker in her
	experience.
4	Q. What was her experience, to your
5	knowledge?
6	A. I believe that she had worked at
7	Phelps, and I knew that she had worked at Lawrence
8	Hospital once before.
9	Q. And how did you know that?
ΤO	A. I think from discussions with her.
11	Q. Did you have an understanding that she
12	had an interest in participating in the palliative
13	care service?
14	A. Yes,
15	Q. And who advised you of that interest?
1.6	A. That was - came up in conversation
17	between Carole and I.
1.8	<li>Q. What, in words or substance, did she</li>
19	say to you and what, if anything, did you say to
20	her?
21	A. Can you repeat that again?
22	Q. What did she say to you in terms of
23:	that interest?
24	A. I think we had discussions that she
25_	had, you know, wanted and had an interest in being
	Page 15
1	MAURA DEL BENE

MAURA DEL BENE

A. I think we had talked about policy development for bereavement. We had talked about enrollment in social work, networking for palliative care that Beth Israel had. There were other associations and informational websites that I had encouraged her to look at. And a form for - I don't know if it was with both of them or maybe just Nicole and/or Carole, I'm not sure - but talking about a social worker evaluation form to formalize the social worker, you know, role on the interdisciplinary team, those kind of things.

Q. Was there any guidelines as to, you know, when things would be - would have to be formed by? In other words - I will withdraw the question. Were -- was there any understanding as to when the palliative care service would be up and running?

A. Well, it was up and running. I mean, we had a start-up time of a few weeks to get me acclimated to Lawrence Hospital. But the service started very quickly thereafter with consultations, educational forums for nurses, and quickly in-service the, you know, different departments in the hospital, as well as started patient

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Page 16

# MAURA DEL BENE part of the palliative care service. She had been

told, I think by the prior social worker, Denise Galloway, that she was, you know, the person to fulfill that role. We had talked extensively about things that she could do to be more involved in the service. It wasn't my responsibility to name the social worker; that was an administrative decision -- but -- between department heads.

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But I know we extensively talked about the things that Carole could do to participate and be active in the palliative care service during its early inception and formation. And that was the conversations and through e-mail.

Q. And what, if anything, was done in that connection, to your knowledge?

> MR. KEIL: Objection as to the form.

Q. - for her to actively participate in the palliative care service?

A. Are you asking how she - what things Carole did to be more active in the palliative care service?

Q. What did you request and what, if anything, did she do?

#### MAURA DEL BENE

consultations. There was a formalization of going to a meeting in the fall, I think it was October.

- Q. Where was the meeting held?
- A. Columbus, Ohio.
- Was there an area of the hospital that was devoted to the palliative care service?
- A. No. It was a consultation service, and so you go and do consults wherever they exist in the hospital.
- Q. Okay. And how would the palliative care service receive those consults?
- A. Through -- any member of the hospital could call -- a social worker, a nurse, a doctor, unit clerk - anybody could recommend a consultation. And so then you respond to them as the calls come in clearing them with the physician.
- Q. Now, would the calls have to go first through you, or it varied?
- A. Well, I was the palliative care service designated employee so that was - I was the prime contact for referrals.
- Q. Okay. You indicated that there was a meeting at Columbus --

A. Yes.

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Page 18 1 MAURA DEL BENE 2 Q. - Ohio. What was the meeting for? A. It was a training meeting through part of a center to advance palliative care initiative 4 5 that the hospital had engaged in, I think, a year 6 before I was hired, to help form a palliative care 7 service that was hospital-wide. Integrating both 8 clinical, as well as physical imperatives and 9 administrative imperatives, to make a palliative 10 care program successful within the institution. And

sorts.

Q Did they have a -- did the hospital in Columbus, Ohio have a separate palliative care service unit?

it was a three-day training where our team, our

administrative and financial, would go to a similar

hospital setting in Columbus and learn more about

how they established their service and have an open

forum for exchange and discussion and exercises of

designated team of members, clinical and

A. They had a very developed system. So they had a consultation service and also a dedicated unit and they had three different hospital bases that they worked with. So three community hospitals that they oversaw.

#### MAURA DEL BENE

generally, with Carole.

Q. On how many occasions, if you recall, did you engage in communications with Ms. Magone concerning appointing the social worker to the service?

Page 20

A. To the best of my recollection, once or twice. Formally discussed, yeah.

- Q. By the way, it's whether it's formally or not; it doesn't have to be a formal communication.
- A. Once or twice, to the best of my knowledge.
  - Q. Okay. And with RoseAnn O'Hare?
  - A. Again, once or twice.
    - Q. With Ms. Newmark?
- A. I think we had multiple discussions about her interest, and the things that she could do to be a part of the palliative care service before the identification of the social worker. So I can't count how many.
- Q. Did you ever communicate with Cathy Magone and RoseAnn O'Hare at a meeting with all three of you concerning
  - A. No, they were separate.

Page 19

Page 21

#### MAURA DEL BENE

- Q. Which hospital was this?
- A. Oh, I don't remember the name of the hospital, unfortunately.
  - Q. Okay.

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- A. It will come to me. I just -
- Q. Who went to Columbus, Ohio for this training?
- A. RoseAnn O'Hare, Dr. Page, Susan Shepp — she is our finance person — myself and Nicole Serra.
- Q. Did there come a time that there were any communications concerning the appointment of a social worker for the palliative care service while Ms. Newmark was employed there?

MR. KEIL: Objection as to

the form. Can you just read it back?

- Q. Withdrawn. Did there come a time that there were any communications by your -- that were held, in your presence, concerning appointing a social worker to the palliative care service?
  - A. Yes.
  - Q. Okay. With whom?
- A. I had those discussions with Cathy

  Magone at her request, RoseAnn O'Hare, and I think,

#### MAURA DEL BENE

- Q. concerning the social worker position?
  - A. No, ma'am.
- Q. Okay. When was the first communication that you had with RoseAnn O'Hare, if you recall concerning appointing a social worker to the palliative care service unit?
- A. I think shortly after I was hired, it was discussed that we would be preparing for the meeting in Ohio. And one of the reasons they had delayed the meeting was because they didn't have the nurse practitioner hired, and they wanted to get sort of a start before they went, to have some experiences to share. So I knew, at that point, they were looking to identify a social worker, and then probably closer to September, I guess.
- Q. And incidentally, when you went on the trip to Columbus, Ohio, was this training for Lawrence Hospital only, or was it en masse for all hospitals interested in forming such a service?
- A. They were -- there was one other hospital there at the time that we were there.
- Q. Okay. During your first communications with Ms. O'Hare, did you and she communicate

	Page 2		
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1 2	MAURA DEL BENE	1	MAURA DEL BENE
1 2	concerning your opinion as to who should be appointed to social as a social worker to the	2	Q. What do you mean by incumbent?
ı 4	palliative care unit?	3	A. Well, when she was hired, she shared
5	A. In my first consultation, no, because 1	4	with me that the prior social worker told her she
6	was — it was shortly after being hired.	5	would be the palliative care social worker and
7	Q. Okay. And then you indicated that you	6	heading up the program, or something to that effect,
8	spoke to Ms. O'Hare another time	7	and that is what I mean by incumbent. She was the
وا	A. Uh-huh.	. 8	expected person to be part of this service and to be
10	Q. — closer to the trip to Ohio?	9	on the development team.
11	A. Yes.	IO	Q. The service hadn't been formed yet;
12	Q. Is that right?	11 12	right?
13	A. Yes.	1	A. No. But clearly there were discussions
14	Q. And at which point was withdrawn.	1.3 1.4	about it that Carole had shared with me.
1.5	What did you and she communicate about?	15	Q. Did Carole Newmark communicate to you
16	A. She asked me what, at this point -	16	any communications she had had with Cathy Magone on
17	based on experience and interactions — between the	17	the topic of being part of the palliative care service unit?
ı a	two social workers, which person I thought was a	1.8	
19	better candidate.	19	A. I can't remember exactly if there were
20	Q: And what, if anything, did you say?		those conversations.
21	A. I shared with her my experiences in	20 21	Q. Do you recall the substance of any such communications?
22	conversations and e-mail with Carole and Nicole, and	<u>2</u> 2	
23	that I felt that Nicole was a better candidate	23	A. I think, probably, we discussed in —
24	because of her enthusiasm and response to her	24	as we discussed the palliative care program
25	interactions.	25	development, and ways in which she could participate. I'm sure it came up in conversation
	Page 2		
	Page 2	3	Page 25
1	MAURA DEL BENE	3 1	Page 25 MAURA DEL BENE
1 2	MAURA DEL BENE Q. Did she say anything withdrawn. Did	1 2	Page 25  MAURA DEL BENE  how – that she – that, I know I had made
1 2 3	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?	1 2 3	Page 25  MAURA DEL BENE  how – that she – that, I know I had made recommendations to Carole about doing certain things
1 2 3 4	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?  MR. KEIL: Objection as to	1 2 3 4	Page 25  MAURA DEL BENE how – that she – that, I know I had made recommendations to Carole about doing certain things to formalize, you know, social roles within the
1 2 3 4 5	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?  MR. KEIL: Objection as to the form.	3 1 2 3 4 5	Page 25  MAURA DEL BENE how – that she – that, I know I had made recommendations to Carole about doing certain things to formalize, you know, social roles within the institution to help lay the groundwork for better
1 2 3 4 5 6	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?  MR. KEIL: Objection as to the form.  MS. NICAJ: Withdrawn.	3 1 2 3 4 5 6	Page 25  MAURA DEL BENE how — that she — that, I know I had made recommendations to Carole about doing certain things to formalize, you know, social roles within the institution to help lay the groundwork for better evolving and definition of their role — a social
1 2 3 4 5 6	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?  MR. KEIL: Objection as to the form.  MS. NICAJ: Withdrawn. Q. Did she say anything else to her?	3 1 2 3 4 5 6 7	Page 25  MAURA DEL BENE how — that she — that, I know I had made recommendations to Carole about doing certain things to formalize, you know, social roles within the institution to help lay the groundwork for better evolving and definition of their role — a social worker's role — in the palliative care service.
1 2 3 4 5 6 7 8	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?  MR. KEIL: Objection as to the form.  MS. NICAJ: Withdrawn. Q. Did she say anything else to her? A. Related to that issue?	3 1 2 3 4 5 6 7 8	MAURA DEL BENE how — that she — that, I know I had made recommendations to Carole about doing certain things to formalize, you know, social roles within the institution to help lay the groundwork for better evolving and definition of their role — a social worker's role — in the palliative care service. But I don't recall her sharing with me or Cathy
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1 2 3 4 5 6 7 8 9 0 1 1 2 3 1 4 1 5 6 7 1 1 2 3 1 4 1 5 6 7 1 7 1 7 1 7 1 7 1 7 1 7 1 7 1 7 1 7	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?  MR. KEIL: Objection as to the form.  MS. NICAJ: Withdrawn. Q. Did she say anything else to her? A. Related to that issue? Q. Related to that issue. A. Other than it was something that she and Cathy Magone were going to have to confer on, no, nothing specific that I can recall. Q. Did you communicate, prior to this communication with Ms. O'Hare, with Ms. Newmark about your concerns?  A. Can you ask that again? Q. Did you communicate with Ms. Newmark,	3 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 1 1 2 3 4 5 6 7 1 1 2 3 4 5 6 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	MAURA DEL BENE how — that she — that, I know I had made recommendations to Carole about doing certain things to formalize, you know, social roles within the institution to help lay the groundwork for better evolving and definition of their role — a social worker's role — in the palliative care service. But I don't recall her sharing with me or Cathy Magone, I don't remember that part coming up — Q. Did she ever — A. — any specifics. Q. Did she ever — did Carole Newmark advise you, in words or substance, that she had spoken to Cathy Magone about the fact that she would eventually be appointed as a social worker to the palliative care unit? A. I don't recall a specific conversation
123456789012345678	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?  MR. KEIL: Objection as to the form.  MS. NICAJ: Withdrawn. Q. Did she say anything else to her?  A. Related to that issue? Q. Related to that issue. A. Other than it was something that she and Cathy Magone were going to have to confer on, no, nothing specific that I can recall. Q. Did you communicate, prior to this communication with Ms. O'Hare, with Ms. Newmark about your concerns?  A. Can you ask that again? Q. Did you communicate with Ms. Newmark, prior to this interaction with Ms. O'Hare, about	3 12 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 1 2 3 4 5 6 7 8	MAURA DEL BENE how — that she — that, I know I had made recommendations to Carole about doing certain things to formalize, you know, social roles within the institution to help lay the groundwork for better evolving and definition of their role — a social worker's role — in the palliative care service. But I don't recall her sharing with me or Cathy Magone, I don't remember that part coming up — Q. Did she ever — A. — any specifics. Q. Did she ever — did Carole Newmark advise you, in words or substance, that she had spoken to Cathy Magone about the fact that she would eventually be appointed as a social worker to the palliative care unit?  A. I don't recall a specific conversation about that.
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1 2 3 4 5 6 7 8 9 0 11 2 3 14 15 16	MAURA DEL BENE Q. Did she say anything withdrawn. Did you say anything else to you?  MR. KEIL: Objection as to the form.  MS. NICAJ: Withdrawn. Q. Did she say anything else to her?  A. Related to that issue? Q. Related to that issue.  A. Other than it was something that she and Cathy Magone were going to have to confer on, no, nothing specific that I can recall. Q. Did you communicate, prior to this communication with Ms. O'Hare, with Ms. Newmark about your concerns?  A. Can you ask that again? Q. Did you communicate with Ms. Newmark, prior to this interaction with Ms. O'Hare, about your concerns as to who would be a better candidate?  A. No, I don't think it ever came up in direct discussion with Carole. And I think she had	3 12345678901 112345678901 222	MAURA DEL BENE how — that she — that, I know I had made recommendations to Carole about doing certain things to formalize, you know, social roles within the institution to help lay the groundwork for better evolving and definition of their role — a social worker's role — in the palliative care service. But I don't recall her sharing with me or Cathy Magone, I don't remember that part coming up — Q. Did she ever — A. — any specifics. Q. Did she ever — did Carole Newmark advise you, in words or substance, that she had spoken to Cathy Magone about the fact that she would eventually be appointed as a social worker to the palliative care unit? A. I don't recall a specific conversation about that. Q. Do you recall the substance of any such communications about that? A. I recall Carole speaking with me, but I

Carole -- about her interest.

regarding that.

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# Page 26 MAURA DEL BENE

- Q. You indicated that there were -- one of the reasons that you were recommending Nicole -withdrawn. Whose ultimate decision was it to appoint Nicole Serra to the palliative care?
  - A. Cathy Magone.

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- Q. Okay. And you indicated that you recommended Ms. Serra because of what?
- A. Because of her response to different discussions regarding this service, recommendations for investigating resources, making referrals to the service she had made, and interacted with several of the patients that I had seen for the service, which was not the situation with Carole.

We had very few referrals and shared cases together. Nicole and I had had an experience base of working on patient cases together from the service perspective. And her enthusiasm with the program, and her positivism. This is a new program that needed to be represented well; she was very positive.

Q. And what did you find with respect to Ms. Newmark about the program?

MR. KEIL: Objection to the

form.

#### MAURA DEL BENE

A. Probably within a week of each other, the communications.

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Page 29

- Q. Okay. What was your first communication with Ms. Magone?
- A. To the best of my recollection, she asked me if - she wanted to identify that she was in the process of making this decision. She wanted some input as to my experience thus far with the social workers. She identified that she had - she was leaning in a direction because of the distribution of projects and efforts from her departmental perspective. Carole was given a mental health disaster - I think that's what it was called -- project that she felt was not being attended to. And that adding another piece to that was going to not allow her to fulfill that obligation.

She asked me what my thoughts were. I told her what RoseAnn O'Hare and I had discussed, as my direct supervisor, and my experiences thus far with -- although Carole stated her interest, she did not respond to many of the e-mail requests or project, you know, offerings.

Q. Who did she identify as the person she

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#### MAURA DEL BENE

was leaning toward?

- A. I think, at that point, I inferred that she was leaning toward Nicole, because of the mental health project that Carole was assigned to and she felt needed to be attended to.
  - Q. Anything else?
  - A. Not that I can recall.
- Q. Did she advise did Miss Magone advise you, in words or substance, what Ms. Newmark's performance was -- what the level of her performance was?
- A. May I ask a question? Do you mean generally what her performance was?
  - Q. Generally?
- A. No, I think she only spoke in relation to her obligation to the mental health disaster plan and lack thereof. And she felt that would be -that was the only inference that she wasn't participating and following up on that assigned project. And therefore, it would be best for her not to have a second project possibly. In addition, to her feeling that Nicole was a better candidate because of some of the input that I had offered through RoseAnn.

#### MAURA DEL BENE

- O. Withdrawn. She wanted also to be involved in the program; is that correct?
  - A. You're saying "she"; Carole?
  - Q. Carole Newmark?
- A. Yes. She wanted to be involved in the program.
- Q. And did you take that as a positive aspect of --
  - A. Absolutely.
- Q. You indicated that you also communicated with Cathy Magone once or twice concerning the appointment of the social worker --
  - A. Yes.
  - Q. -- to the palliative care service?
  - A. Yes.
  - O. When was the first occasion?
- A. I think it was close to the
- September --
  - Q. September -- close to the September --
  - A. September time frame.
- Q. Okay. And when was the second occasion?
  - A. Probably shortly thereafter.
  - What do you mean "shortly thereafter"?

İ		Page 3	10 F	Page 32
1		MAURA DEL BENE	l l	MAURA DEL BENE
2	Q.	When was your second communication	2	verbatim what she said.
	withdra	wn. Was there anything else said by you or	3	Q. What, in words or substance, did she
4	her duri	ing this first communication with her?	4	say?
5	A.	No, not that I can recall.	5.	A. I just shared that with you.
6	Q.	When was the second communication?	6	Q. What did you say?
7	A.	Probably within a couple days or a	7	A. What did I say?
8	week.	·	¦ 8	Q. Yes.
9	Q.	Where were you and where was she?	9	A. I said that ultimately it was an
ΤĊ	A.	To the best of my recollection, we were	10	unfortunate situation. I said it was a decision
11	on the	sixth floor in her office, her old office.	11	that she and RoseAnn were in the position to make.
1.2	Q.	Was this a prearranged meeting?	1.2	I contributed my input in terms of what I felt thus
13	A.	No, spontaneous, actually.	13	far, different attributes that would be of benefit
14	Q.	What, in words or substance, did she	14	to the service. I offered the different attributes
15	say?		15.	that I felt would be of benefit to the service.
16	A.	Excuse me?	16	Would you like me to share those?
17	Q.	What, in words or substance, did she	17	Q. Of course.
18	say?		18	<ul> <li>A. I felt that Nicole was more engaging,</li> </ul>
L 9	A.	What, in words of substance, I'm sorry?	19	enthusiastic and positive, in both her patient care
20	Q.	words or substance did she say?	20	referrals, her verbal communications and e-mail
21	<b>A.</b>	In asking me for the meeting or	21	communications. Whereas Carole was generally
22	Q.	No.	22	negative, less responsive and not interactive
23:	<b>A</b> .	— just in general?	23	regarding patient care activities.
24	Q.	At the meeting.	24	Q. Anything else?
25	<u>A.</u>	She said that she was — under — she	25	A. No, I don't think so.
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1		MAURA DEL BENE	1	MAURA DEL BENE

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# was in the process of considering which social worker would be appropriate to assign to the palliative care service. She shared that she was leaning toward Nicole because of the mental health disaster project outstanding for Carole. She too agreed that Nicole was more positive in her efforts. Carole did not show enthusiasm in participation from a disciplinary perspective thus far in the service. And that her general — that, generally, it may not be in the best interest of the service to not have a positive participating individual.

Q. This is what she said?

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- A. That was the essence of our discussion.
- Q. What did she say? I'm concerned at this junction what she said, not what the essence of it -- of both of your collective statements, because I'm going to get to what you said during these meetings. I'm interested in what she said,
- A. Well, it was an exchange of conversations in which she shared with me the mental health disaster project. She shared with me that she was leaning toward Nicole. She agreed with some points that I had made through RoseAnn O'Hare about positivism participation, but I don't recall

#### MAURA DEL BENI

- Q. Did you ever share what you observed about Ms. Newmark with Ms. Newmark?
- A. Directly, no. I don't think she ever asked me, nor did I offer that.
- Q. Okay. Did there come a time you learned that Ms. Newmark had expressed concern that Ms. Magone made age-related comments in connection with Nicole Serra's appointment to the palliative care service?
- A. I don't know if it was in relation to the palliative care service. I know there was a concern about a general ageism statement from Carole.
  - Q. How did you learn of that?
- A. I think it was either through -through Carole or Nicole. I think Cathy had said
  something to the relation of she is younger, but I
  don't -- I mean that was the best that I can recall.
- Q. Did you ever recall communicating with Ms. Magone about any meetings she had with either Carole Newmark or Human Resources in which Ms. Newmark made a complaint about her?
- A. I knew that yes, I knew that Carole had made a complaint. I think that was from Carole,

	Page	 34	Page 36	_ :
1	MAURA DEL BENE	: 1	-	
2	maybe one day in rounds or something in the ICU, I	2	MAURA DEL BENE	
	think Carole made a mention that she was making a	3	A. Yes,	
4	complaint,	4	Q. Now, so she participated in palliative care service?	
5	Q. What, if anything, did you ever	. 5		
5	communicate with Ms. Magone about the fact that Ms.	6	A. No, the interdisciplinary rounds are a	
7	Newmark had complained about her?	7	hospital-wide experience that happens on each unit	
8	A. I don't think I ever communicated with	8	where different people come; social work, physical	
9	Ms. Magone about that directly, no.	9	therapy, nursing. These are rounds that happen in	
1.0	Q. Did you ever communicate with her	10	the ICU and in the different nursing units.	
11	indirectly about it?	11	Q. So when she expressed her concern about	
12	A. I think we're all aware that - of	12	the case management model, what did she say with respect to the issue?	
13	what's going on now. So there is a general, you	13		
14	know, understanding of that. And but in terms of	1.4	A. She would be very verbal about her	
15	specific conversations at the time, I can't recall	15	discontent with Cathy Magone's leadership, with the	Ì
16	what communications Cathy Magone –	16	infrastructure case management, with the role or	
17	Q. Now, you indicated that Ms. Newmark was	17	lack thereof definition of social work within the	١
18	generally negative. What do you mean by that?	18	case management system. That there was not an	١
19	A. She wasn't happy in her position. She	19	understanding of how social workers performed their duties, and that there was a level of — I don't	ļ
20	made that very clear verbally and non-verbally.	20	want to say disorganization but a level of	
21	Q. What did she say?	21	discontent with with she and Nicole's role within	l
22	A. I can't remember her exact words, but	22	case management.	
23	she was very verbal in her discontent with case	23	Q. Did Nicole Serra ever express those	
24	management leadership, the department structure,	24	same concerns to you?	
25	utilization of social work or lack thereof,	25	A. I think Nicole had concerns about the	l
'	Page 3		Page 37	ł
1	MAURA DEL BENE	1	MAURA DEL BENE	İ
2	appropriate utilization of social work. And just	2	social work.	Ì
3	her double of expressed - I mean, she was very free	. 3	Q. Did she express those concerns to you;	l
4	in her frustration with all of those things.	4	yes or no?	١
5	Q. So she expressed her concerns about	1.5	A. She expressed similar concerns, yes.	
.6	these areas to you?	· 6	Q. Okay. Did you ever express any	ĺ
7	A. Directly to me and generally in public,	7	concerns to Ms. Newmark about what you observed in	ļ
8	in rounds, and different things.	8	Cathy Magone's interaction with other employees?	
9	<ol><li>Q. You were present when she generally</li></ol>	9	A. I can't think of specifics. I know we	l
10	expressed her communications - her concerns about	10	discussed Cathy Magone's leadership style.	
<b>þ</b> 1	this?	11	Q. Did you ever express any concerns about	
12	A. Yeah, there are times when she would,	12	Cathy Magone's leadership style to Ms. Newmark?	l
13	you know, breathe heavily and sigh, make gestures,	13	A. I'm sure we discussed the fact that it	l
14	you know, she was very emphatic in her gum-chewing	14	was less than optimal at times.	ľ
15	when she was upset, things like that.	Д.5	Q. Did you express those concerns, not	
16	Q. She was emphatic in her gum-chewing?	16	"we." Did you ever express concerns about Ms.	ĺ
17	A. Uh-huh.	17	Magone's leadership style?	
18	Q. Is that a yes?	18.	A. I think I may have, yes. I probably	
19	A. Yes.	19	did in the context of our discussion, yes.	
20	Q. Where would she be emphatic with her	20	Q. And what were those concerns,	
21	gum-chewing?	21	specifically?	1
22	A. In rounds, interdisciplinary rounds.	22	A. I don't remember specific concerns,	ı
_	Q. And you were present when she was	23	other than there were strategies and things that	i
∠4	emphatic in her gum-chewing in interdisciplinary	24	Nicole and Carole could do to improve their position	
25	rounds?	25	within the case management department, given Cathy's	

	Page 3	8	Page 40
1.	MAURA DEL BENE	1	MAURA DEL BENE
2	lack of understanding of social work role, and how	2	Q. I'm going to direct your attention to
	they could advocate for themselves in more of a	. 3	what's been previously marked as Plaintiff's Exhibit
<sub> </sub> 4	formal way. And I remember having that discussion	4	26 for identification. Do you recognize that
5	with Carole in the Chinese Restaurant. One day we	5	document?
6	had lunch together and talked about that. So I know	· 6	A. Yes, I do.
7	we did — we talked about the leadership challenges.	17	Q. What do you recognize it to be?
8	And I did speak specifically to Annette and	8	A. An e-mail that I had sent out regarding
9	encouraged her to do certain things to maybe pave	9	mental health services in I don't know if it was
10	the way for the social workers, which would then	10	just the county or in the area, might have been
11	pave the better way for their involvement in the	11	nationwide, a link that I had sent to Carole and
12	palliative care service.	12	Nicole.
13	Q. Did you ever express any concerns to	1	
1	Ms. Newmark, based on any observations that you had,	13 14	Q. And specifically, I'm going to direct
14 15	with Ms. Magone's interaction with other employees?		your attention to the first page of that document
1		15	toward the bottom there?
16	A. Not that I can I think you're asking	16	MR. KEIL: Under 11:55 a.m.?
17	me for specific circumstance.	17	MS. NICAJ: That's correct.
18	Q. I'm asking, did you ever express any	18	Q. I am going to direct your attention
19	concern, based on your personal observations, of Ms.	19	to it's Wednesday, July 19.
20	Magone's interaction with other employees?	20	A. Uh-huh.
21	A. I don't think I ever experienced Ms.	21	Q. It appears to be an e-mail from Nicole
22	Magone personally with other employees. I think I	22	Serra to you?
23	could comment on things that were described to me	23	A. Uh-huh.
24	and my own experience with Ms. Magone, but I don't	24	Q. In the middle of the text of that
25	think I've ever seen her interact with other	25	e-mail reads, quote, "Once again, thanks for
	Page 3	9 i	Page 41
1	MAURA DEL BENE	1	MAURA DEL BENE
2	employees.	2	understanding my bad attitude last week." Close
3	Q. What was your own experience with Ms.	- 1	
	St. Marie Agent Cold of the Land Advantage	3	quotes. Do you see that?
4	Magone?	3	quotes. Do you see that?  A. Yes, I do.
4 5	- · · · · · · · · · · · · · · · · · · ·	i .	
	Magone?	4	A. Yes, I do.
5	Magone?  A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in	4 5	<ul><li>A. Yes, I do.</li><li>Q. Do you recall what that was in</li></ul>
5 6	Magone?  A. Mine were positive. I personally didn't have challenges with her leadership. She	4 5 6	A. Yes, I do. Q. Do you recall what that was in reference to?
5 6 7	Magone?  A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in	4 5 6 7	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't.
5 6 7 8	Magone?  A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.	4 5 6 7 8	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever
5 6 7 8 9	Magone?  A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever	4 5 6 7 8 9	<ul> <li>A. Yes, I do.</li> <li>Q. Do you recall what that was in reference to?</li> <li>A. No, I don't.</li> <li>Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude?</li> <li>A. It wasn't my position to do so.</li> </ul>
5 7 8 9	Magone?  A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?	4 5 6 7 8 9 10	<ul> <li>A. Yes, I do.</li> <li>Q. Do you recall what that was in reference to?</li> <li>A. No, I don't.</li> <li>Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude?</li> <li>A. It wasn't my position to do so.</li> </ul>
5 6 7 8 9 10	Magone?  A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.	45678901	<ul> <li>A. Yes, I do.</li> <li>Q. Do you recall what that was in reference to?</li> <li>A. No, I don't.</li> <li>Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude?</li> <li>A. It wasn't my position to do so.</li> <li>Q. Do you know what the circumstances were</li> </ul>
5 6 7 8 9 10 11	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or	4 5 6 7 8 9 10 11 12	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude?
5 6 7 8 9 10 11 12	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?	4 5 6 7 8 9 10 11 12 13	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No.
5 6 7 8 9 10 11 12 13	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of	4 5 6 7 8 9 10 11 12 13 14	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude?
5 6 7 8 9 0 1 1 2 3 1 4 5 1 5	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of understanding about the social work role and	4 5 6 7 8 9 0 1 1 2 1 3 1 4 5 1 5	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude?
5678901123456	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of understanding about the social work role and utilization of such within the case management department.	4567890112314567	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude? A. From reading the e-mail, I must've been. But I don't recall it.
56789011234567 11234567	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of understanding about the social work role and utilization of such within the case management department.	4 5 6 7 8 9 0 1 1 2 3 1 4 5 1 5 1 6	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude? A. From reading the e-mail, I must've been. But I don't recall it. Q. Okay. I'm going to direct your
56789012345678	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of understanding about the social work role and utilization of such within the case management department.  Q. Ökay. And those were similar concerns	4567890112345678	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude? A. From reading the e-mail, I must've been. But I don't recall it. Q. Okay. I'm going to direct your attention further up. It appears to be an e-mail
567890123456789	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of understanding about the social work role and utilization of such within the case management department.  Q. Ökay. And those were similar concerns that Ms. Newmark expressed?  A. Uh-huh.	4567890123456789	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude? A. From reading the e-mail, I must've been. But I don't recall it. Q. Okay. I'm going to direct your attention further up. It appears to be an e-mail from you to Ms. Serra. Do you see that?
5678901234567890	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of understanding about the social work role and utilization of such within the case management department.  Q. Okay. And those were similar concerns that Ms. Newmark expressed?  A. Uh-huh.  Q. Is that a yes?	45678901234567890	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude? A. From reading the e-mail, I must've been. But I don't recall it. Q. Okay. I'm going to direct your attention further up. It appears to be an e-mail from you to Ms. Serra. Do you see that? A. Yes.
56789012345678901	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of understanding about the social work role and utilization of such within the case management department.  Q. Okay. And those were similar concerns that Ms. Newmark expressed?  A. Uh-huh.  Q. Is that a yes?  A. Yes, sorry.	4567890123456789012	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude? A. From reading the e-mail, I must've been. But I don't recall it. Q. Okay. I'm going to direct your attention further up. It appears to be an e-mail from you to Ms. Serra. Do you see that? A. Yes. Q. It reads, quote, "You have good energy
56789012345678901	A. Mine were positive. I personally didn't have challenges with her leadership. She wasn't my supervisor. I didn't report to her in that way. It wasn't that kind of a relationship.  Q. Apart from Ms. Newmark, did anyone ever express their concerns about Ms. Magone to you?  A. I think Nicole did.  Q. She did. And what, in words or substance, did Nicole say to you about Ms. Magone?  A. I think generically her lack of understanding about the social work role and utilization of such within the case management department.  Q. Okay. And those were similar concerns that Ms. Newmark expressed?  A. Uh-huh.  Q. Is that a yes?	456789012345678901 112345678901	A. Yes, I do. Q. Do you recall what that was in reference to? A. No, I don't. Q. Okay. Do you know whether you ever documented Ms. Serra's bad attitude? A. It wasn't my position to do so. Q. Do you know what the circumstances were for the bad attitude? A. No. Q. Do you know whether you were present when she exhibited bad attitude? A. From reading the e-mail, I must've been. But I don't recall it. Q. Okay. I'm going to direct your attention further up. It appears to be an e-mail from you to Ms. Serra. Do you see that? A. Yes.

spirit." Do you see that?

A. I'm a nodder.

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	Page 4		Page 44
1	MAURA DEL BENE	1	MAURA DEL BENE
12	A. Yes, I do.	2	amidst the distress that she expressed.
	Q. What were you referring to?	· 3	Q. What distress are you referring to?
4	A. I don't remember exactly. It was	4	A. "It's often hard to work in this
5	obviously something related to the bad attitude	5	environment when you don't know who you can trust."
6	reference that she made below.	6	I mean, that's a distressing statement to say.
7	<ul> <li>Q. Okay. Did there come a time that Ms.</li> </ul>	7	Q. And it's positive, in your view?
8	Newmark communicated to you the decision that had	8	A. But I think she was positive in that,
9	been made concerning Ms. Serra's appointment?	9 ا	you know, "I'm glad you're part of the team, let me
10	A. I don't ever recall ever discussing it	10	know what I can do for you on the cases." You know,
11	directly with Carole actually.	11	I consider that supportive and also personal and
12	Q. Okay. Did she ever advise you, in	12	professionally. I mean, she was always very
113	words or substance, that she had no hard feelings	13	positive in her turn-around of a situation, trying
14	about the issue of Ms. Serra's appointment to you?	14	to improve - Yes, there are challenges, but let's
15	A. I don't remember a direct conversation.	i 11.5	keep moving forward, how can we continue to work
16	But I do not remember any hard feelings after the	16	together and do different things.
17	naming of Nicole.	17	Q. You weren't part of the case management
18	Q. Do you call your relationship with her;	18	team; were you?
19	was it cordial before the naming of Nicole Serra to	19	A. No.
20	the palliative	20	Q. So when you understood she was
21	A. Cordial throughout her employment, yes.	21	expressing her concern about the case management
22	Q. And even after?	22	team
23	A. Yes.	23	A. Uh-huh.
24	Q. Okay. Directing your attention to the	24	Q and you later used the supportive
25	very first e-mail of that, of Exhibit 26?	25	she was talking about you in supportive terms; isn't
<u></u>			
	Page 4	!	Page 45
1	MAURA DEL BENE	1	MAURA DEL BENE
2.	A. Here?	. 2	that right?
3	Q. No, top page, first page?	3	A. Yes.
4	MR. KEIL: July 28th, 1:38	4	Q. She wasn't referring to the case
5	p.m.?	∮ 5	management team in supportive terms; was she?
6	MS. NICAJ: That's correct.	6	A. No. I think she was referring to my
7	Q. Do you know what this e-mail refers to?	<b>7</b>	presence
8	In - part of the e-mail reads, quote, "It is often	8	Q. Okay.
9	hard to work in this environment when you don't know	9	A in the hospital and interfacing with
ļο	who you can trust." Close quote.	10	her.
11	A. Can you ask your question again?	11	Q. Okay. On how many occasions did Nicole
12	Q. Do you know what this was referring to?	12	Serra express her concern to you about the case
1.3	This is an e-mail Nicole Serra sent to you, quote,	13	management team?
14	"It is often hard to work in this environment when	14	A. I can't quantify that, I would say on
15	you don't know who you can trust." Close quotes.	15	several occasions.
16	A. I think she was referring to within the	16	Q. Okay. And on how many occasions did
17	case management department.	17	Ms. Newmark express her concern to you about the
18	Q. What about within the case management	18	case management team?
19	department?	19	A. On many occasions, several occasions.
20	A. I think the interactions and exchanges	2.0	Q. Many or several?
21	that occur amongst the nurse case managers and	21	A. Several.
		22	Q. Okay. Do you recall each instance in
22	Sucial workers and denartment in general.		
	social workers and department in general.  Q. Did you consider this a negative		
	Q. Did you consider this a negative	23	which Ms. Serra expressed her concern about the case
22			

		Page 4	۴ ا	Page -
1		MAURA DEL BENE	1	MAURA DEL BENE
2	Q.	And what about Ms. Newmark?	2	A. I don't supervise Carole, so I wouldn't
	A.	Not each instance.	, 3	know.
2	Q.	Okay. Did Ms. Newmark, as a social	4	Q. You don't know what she had to do
. wo	orker,	ever interact with you in connection with	5	following the meeting in connection with her
yo:	your responsibilities at the palliative care		6	responsibilities as a social worker?
ser ser	rvice?	In other words, did she ever have any	7	A. She did not share that with me,
int	teracti	on with patients that that you would	8	Q. Okay. And did she ever tell you that
ha	ve be	en responsible for?	وا	she had to see another patient?
İ	A.	Very infrequently. I recall one	μo	A. No, she did not.
pa		that we crossed over on.	11	Q. Okay. Going back to the selection of
	Q.	Do you recall what the circumstances	12	Nicole Serra, whose decision was it ultimately?
we	ere?		13	A. Cathy Magone's.
	A.	It was a situation, I think, in which	14	Q. Okay. Whose decision was it for Cathy
the	e pati	ent or family were considering hospice or	15	Magone to no longer be an active participant in the
pla	placement in a hospice-like facility for the		16	palliative care service?
inc	dividı	ıal. It was late in the afternoon, early	17	MR. KEIL: Objection to the
en	d-of-c	lay time, Carole had already met with the	18	form. Cathy Magone?
far	mily, i	identified their interest in that piece, and	19	Q. I mean Cathy Magone, sorry Nicole
pa:		over the case to me, which I accepted.	20	Serra. Whose decision was it to - for Nicole Serra
	Q.	Were you satisfied with her work on	21	to no longer be involved actively in the palliative
tha	at part	icular project?	22	care service?
		I think I would have been more	23	A. I think it was a general decision that
		l had she shown participation in the	24	was made primarily by Nicole and myself because of
> pal	lliativ	e care piece within the discussion with the	25	the expectations from the hospital system. After

Page 47

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Page 49

# MAURA DEL BENE family and done a joint family meeting; that's what I had expected, but that didn't occur.

- Q. Did she tell you why?
- A. No, she did not.

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- Q. Did you ask her to participate in the joint meeting with the family?
- A. No, I did not specifically ask, though it was a natural evolution from which occurs well, had occurred in past. So I sort of expected when she said, I have this family, they would like to talk about hospice, and end of life issues, and she expressed her interest in palliative care, it would've been a natural fit to have a sit-down together with the family since she had started the conversation with them. And then I was coming in formally for the palliative care service, for us to sit down and do that together, it would be a good chance for us to work together and see our fit.
  - Q. Did you invite her to do so?
- A. I don't recall inviting her to do so, no. I clearly read that she was handing the case over to me and she was leaving.
- Q. Do you know whether that that patient was the only patient that she had that day?

#### MAURA DEL BENE

Carole's leaving it left her only as the social worker and really just spread her too thin in terms of her ability to attend to the needs of the hospital, as well as the service. And Nicole didn't want to do something if she wasn't able to do it well. So we reverted to, you know, soft presence and backup system, it was joint.

- Q. You indicated that there was an issue about -- withdrawn. Cathy Magone mentioned to you about a mental health disaster in which Ms. Newmark was in charge of?
  - A. Was assigned, yes.
- Q. Was assigned. Do you know anything about that project?
- A. Just generically from overhearing it from, I think, Nicole and Carole, as well as from Cathy, just generically saying she was assigned to this project.
- Q. Do you know whether that project was ever completed?
  - A. To my understanding, it was not.
- Q. Do you know how long the project had to be completed by; was there a deadline?
  - A. I think there was a time frame, but I'm

	Page 5	kO	Page 52
1	MAURA DEL BENE	2	STATE OF NEW YORK )
12	not privy to what the time frames were.	3	) ss:
	Q. Do you know whether it was completed on	4	COUNTY OF NEW YORK )
4	or after Ms. Newmark left?	5	,
5	A. I don't know if it ever has been	6	
6	completed. I'm not privy to that information.	7	I, MAURA DEL BENE, the witness herein,
7	<ol><li>Q. Apart from your interactions with Ms.</li></ol>	8	having read the foregoing testimony on the pages of
8	Newmark on that one occasion with the patient -	وا	this deposition, do hereby certify it to be a true
9	A. Uh-huh, yes.	10	and correct transcript, subject to the corrections,
10	<ul> <li>Q. – did you have any other interactions</li> </ul>	11	if any, shown on the attached page.
11	with her in her capacity as a social worker in the	12	if any, shown on the attached page.
12	palliative care service?	13	
13	A. Could you rephrase the question?		.0
14	Q. Sure. You indicated that you just	14	οΟα
15	recall one interaction with Ms. Newmark relating to	15	
16	the patient	16	
17	A. Uh-huh,	17	MAURA DEL BENE
18.	<ul><li>Q and palliative care; is that</li></ul>	18	
19	correct?	19	
20	A. Yes.	20	Subscribed and sworn to before me
21	Q. Do you recall any other instances in	21	this day of, 2008.
22	which you interacted with Ms. Newmark on a patient	22	·
2.3	involving palliative care?	23	
24	A. No, I do not.	24	· · · · · · · · · · · · · · · · · · ·
25	Q. Okay. I think I'm winding down. I	25	
	Page 5	1,	Page 53
1.1	MAURA DEL BENE	2	STATE OF NEW YORK )
2	just want to consult with my notes and my client	3	) SS
3	and, hopefully, you can go; okay?	4	COUNTY OF ULSTER )
4	A. Shall I step out?	5	obstation of obstation ,
5	MS. NICAJ: No, I'm going to	16	I, Lisa M. Rosso, Notary Public within and
6	step out.	7	for the State of New York, do hereby certify:
7	(Short Break)	8	to the state of New York, as helpby certify.
8	Q. Do you know whether Carole Newmark ever	9	That I reported the proceedings in the within
9	referred patients to the palliative care by calling	10	entitled matter, and that the within transcript is a
10	Jansen?	11	true record of said proceedings.
11	A. I wouldn't know that,	12	and record of said proceedings.
12	MS. NICAJ: Okay. I have no	1,3	I further certify that I am not related to
13	further questions.	14	any of the parties to the action by blood or
14	Q. Are there any changes or things that	15	marriage, and that I am in no way interested in the
15	you want to supplement to your testimony here today?	16	outcome of this matter.
16	A. No, ma'am.	17	O. W. L. H. H. L. L. L. L. L. L. L. L. L. L. L. L. L.
17	MS. NICAJ: That's it.	18	IN WITNESS WHEREOF, I have hereunto set my
18	THE WITNESS: Thank you.	19	hand this 23rd day of April, 2008:
19	MS. NICAJ: Sure.	20	The act a day of spirit, 2000.
20	oOo	21	
21		22	LISA M. ROSSO,
22	(Time noted: 11:50 am.)		NOTARY PUBLIC
	/		
		23	
<b>4</b>		23 24	